



# भारत का राजपत्र The Gazette of India

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सं. 4]  
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NEW DELHI, SATURDAY, JANUARY 23, 1988/MAGHA 3, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a  
separate compilation



## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than  
the Ministry of Defence)

वित्त मंत्रालय

(रोजस्व विभाग)

नई दिल्ली, 30 जून, 1987

(आयकर)

का.आ. 181:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-ठ की उप-धारा (1) के खंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ भारतीय औद्योगिक विकास बैंक द्वारा जारी किए गए “3 वर्षीय—9% भा. औ.वि.बैं. पूँजी बन्धपत्रों” को विनिर्दिष्ट करता है।

[सं. 7387 फा.सं. 178/149/86-आ.क. (नि.-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 30th June, 1987

(INCOME-TAX)

SO 181.—In exercise of the powers conferred by clause (ii) of sub-section (1) of Section 80L of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies “3 Years—9 per cent IDBI Capital Bonds” issued by the

71 GI/88—1

Industrial Development Bank of India for the purpose of the said clause.

[No 7387 F No 178/149/86-II(A1)]

नई दिल्ली, 13 अक्टूबर, 1987

(आयकर)

का. आ. 182—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, “श्री नारायण धर्म सगम ट्रस्ट, वरकला केरल” को कर निर्धारण वर्ष 1984-85 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7584 (फा. सं. 197/106/85-आ.क. (नि.-1)]

गेशन सहाय, अवर सचिव

New Delhi, the 13th October, 1987

(INCOME-TAX)

SO 182.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sree Narayana Dharma Sangham Trust, Varkala,

Kerala for the purpose of the said clause for the assessment years 1984-85 to 1988-89.

[No 7584 (F. No. 197/106/85-IT(A1)]

**ROSHAN SAHAY**, Under Secy.

नई दिल्ली, 1 अक्टूबर, 1987

(आयकर)

का.आ 183.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में और भारत सरकार के वित्त मंत्रालय (राजस्व विभाग) की दिनांक 24-9-85 की अधिसूचना संख्या 6439 (फा.सं. 398/29/84-आ.क. (ब.)) का अधिलेखन करने हुए, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के अंतर्गत केन्द्रीय सरकार के राजपत्रित अधिकारी श्री बी.के. मिश्रा को कर वसूली अधिकारी की शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।—

2 यह अधिसूचना श्री बी.के. मिश्रा द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख 27-7-1987 से लागू होगी।

[सं. 7568/फा.सं. 398/26/86-आ.क. (ब.)]

New Delhi, the 1st October, 1987

(INCOME-TAX)

S.O. 183.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 6439 [F. No. 398/29/84-IT(B)] dated the 24-9-85, the Central Government hereby authorises Shri B. K. Mishra being a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2 This Notification shall be effective from 27-7-87 the date on which Shri B. K. Mishra took over charge as Tax Recovery Officer.

[No. 7568/F. No. 398/26/86-IT(B)]

नई दिल्ली, 7 दिसम्बर, 1987

(आयकर)

का.आ. 184.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में, और भारत सरकार वित्त मंत्रालय, (राजस्व विभाग) की दिनांक 28-4-1986 की अधिसूचना सं. 6689 [फा. सं. 398/6/86-आ. क. (ब)] का अधिलेखन करते हुए, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के अंतर्गत केन्द्रीय सरकार के राजपत्रित अधिकारी श्री निर्मल सिंह को, कर वसूली अधिकारी की शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।

2 यह अधिसूचना श्री निर्मल सिंह द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 7647/फा. सं. 398/13/87-आ. क. (ब)]

बी. ई. अलैक्जेंडर, अधीक्षक सचिव

New Delhi, the 7th December, 1987

INCOME-TAX

S.O. 184.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 6689 [F. No. 398/6/86-IT(B)] dated 28-4-86, Central Government hereby authorises Shri Nirmal Singh, being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act

2. This notification shall come into force with effect from the date Shri Nirmal Singh takes over charge as Tax Recovery Officer.

[No 7647/F. No. 398/13/87-IT(B)]

B F. ALEXANDER, Under Secy.

नई दिल्ली, 1 जनवरी, 1988

आदेश

स्टाम्प

का. आ. 185.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मै. मोहन मेकन लिमिटेड, सोलन ब्रीवरी, शिमला हिल्स को मात्र दो लाख पच्चीस हजार रु. के उस सम्बन्धित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले 100—100 रु. के केवल तीन करोड़ रु. के अंकित मूल्य के क्रम संख्या 1 से 3,00,000 तक के 15% आरक्षित असम्परिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 1/88-स्टाम्प-फा. सं. 33/59/87—बि. क.]

New Delhi, the 1st January, 1988

ORDER

STAMPS

S.O. 185.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Government hereby permits the M/s. Mohan Meakin Limited, Solan Brewery, Simla Hills to pay consolidated stamp duty of rupees two lakhs and twenty five thousand only, chargeable on account of the stamp duty on 15% secured non-convertible debenture of Rs. 100/- each bearing serial number 1 to 3,00,000 of the aggregate face value of rupees three crores only to be issued by the said Company

[No. 1/88-Stamps-F. No. 33/59/87-ST]

आदेश

स्टाम्प

का. आ. 186.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड

(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा इस शुल्क को माफ करती है जिसके साथ महानगर टेलीफोन निगम लि., नई दिल्ली द्वारा जारी किए जाने वाले मात्र तीन सौ पचास करोड़ रु. के कुल मूल्य के 100 करोड़ रु. के लिए 9% (कर-मुक्त) बंधपत्रों तथा 250 करोड़ रु. के लिए 13% (कर-योग्य) बंधपत्रों के यथानिर्दिष्ट ऋणपत्रों के स्वरूप में बंधपत्र उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 2/88-स्टाम्प फा. स. 33/57/87-बि. क.]

बी. आर. मेहमी, अवर सचिव

#### ORDER STAMPS

S.O. 186.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as 9% (tax free) bonds for Rs. 100 crore and 13% (taxable) bonds for Rs. 250 crore of the aggregate value of rupees three hundred and fifty crores only to be issued by the Mahanagar Telephone Nigam Limited New Delhi as are chargeable under the said Act.

[No. 2/88-Stamp F, No. 33/57/87-ST]

B. R. MEHMI, Under Secy.

नई दिल्ली, 12 जनवरी, 1988

का.आ. 187:—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 का अनुसरण करते हुए केन्द्रीय सरकार एतद्वारा केन्द्रीय प्रत्यक्ष कर बोर्ड के निम्नलिखित कार्यालयों को अधिसूचित करती है, जिनके कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है:—

1. आयकर आयुक्त, केरल (कोचीन)।
2. आयकर आयुक्त (त्रिवेन्द्रम)।

[फा.सं. ई-11017/37/87-प्रशा. IX]

अमर सिंह, अवर सचिव

New Delhi, the 12th January, 1988

S.O. 187.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the Central Board of Direct Taxes, the staff whereof have acquired a working knowledge of Hindi:—

1. Commissioner of Income-tax, Kerala (Cochin).
2. Commissioner of Income-tax, Trivandrum.

[F. No. E-11017/37/87-Ad IX]

AMAR SINGH, Under Secy.

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 1 जनवरी, 1988

का.आ. 188:—भारतीय निर्यात-आयात बैंक अधिनियम, 1981

(1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ड.) के उपखण्ड (ii) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री पी.एस. गोपालकृष्णन, अध्यक्ष एवं प्रबंध निदेशक, इंडियन ओवरसीज बैंक, मद्रास को भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में श्री एस. पद्मनाभन के स्थान पर निदेशक के रूप में मनोनीत करती है।

[संख्या एफ. 7/3/87-बी.ओ.-I]

एम.एस. सीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 1st January, 1988

S.O. 188.—In pursuance of sub-clause (ii) of clause (e) of sub-section (1) of section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri P. S. Gopalakrishnan, Chairman and Managing Director, Indian Overseas Bank, Madras as a Director of the Board of Directors of the Export-Import Bank of India vice Shri S. Padmanabhan.

[No. F. 7/3/87-BO. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 6 जनवरी, 1988

का.आ. 189.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के प्रावधान ब्रह्मवर्त कमर्शियल को-ऑपरेटिव बैंक लि., कानपुर पर इस अधिसूचना के राजपत्र में प्रकाशन होने की तारीख से 30 जून 1988 तक की अवधि के लिए लागू नहीं होंगे।

[संख्या एफ-8-1/87-ए.सी.]

New Delhi, the 6th January, 1988

S.O. 189.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Sub-Section (1) of Section 11 of the said Act shall not apply to the Brahmavart Commercial Cooperative Bank Ltd., Kanpur for the period from the date of publication of this notification in the Gazette of India to 30th June, 1988.

[No. F. 8-1/87-AC]

नई दिल्ली, 7 जनवरी 1988

का.आ. 190.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि बैंककारी विनियमन (सहायक)

समितियां) अधिनियम, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के प्रावधान रविकिरण को-आपरेटिव बैंक लि., बंबई पर तब तक लागू नहीं होंगे जब तक 30 जून 1986 को समाप्त वर्ष के लिए उसका तुलन-पत्र और लाभ-हानि लेखा लेखा-परीक्षकों की रिपोर्ट सहित समाचार-पत्र में प्रकाशित नहीं होता।

[संख्या एफ. 8-2/87-ए.सी.]

के.पी. पान्डियन, अवर सचिव

New Delhi, the 7th January, 1988

S.O. 190—In exercise of the powers conferred by Section 53, read with 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act, read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Pavikiran Co-operative Bank Ltd., Bombay so far as they relate to its publication of the balance sheet and profit and loss account for the year ended 30th June 1986 together with the auditors report in the newspaper.

[No. F. 8-2/87-AC]

K. P. PANDIAN, Under Secy.

उद्योग मंत्रालय

(रसायन और पेट्रोसायन विभाग)

नई दिल्ली, 7 जनवरी, 1988

दुरुस्ती पत्रक

का.आ. 191:—निम्नलिखित अनुसूची में खाना 1 से 9 में लिखे हुए शब्दों और संख्या केन्द्रीय सरकार की सं. 2114. ता. 6-8-87 भारत का राजपत्र [भाग II खंड 3(ii)] 15-8-1987 पृष्ठ 2723 से 2741 प्रसारित हुए अधिसूचना की अनुसूची में छपे हैं। इससे निम्नलिखित अनुसूची के खाना 10 से 18 में लिखे हुए शब्दों और संख्या पढ़ना।

प्रसारित किया गया वर्णन

क्रम. नं.	गांव का नाम	तहसील	जिला	सं.न.	हि.न.	गट नं.	क्षेत्र		
							हेक्टर	आर	
1	2	3	4	5	6	7	8	9	
1.	बाघोली	अलिबाग	रायगढ़	12	11 पी	—	0-24-5		
10		11	12	13	14	15	16	17	18
1.	बाघोली	अलिबाग	रायगढ़		12	4 पी	—		0-24-5

## MINISTRY OF INDUSTRY

(Department of Chemicals and Petrochemicals)

New Delhi, the 7th January, 1988

### CORRIGENDUM

S. O. 191.—Read words and figures shown in Columns 1 to 9 of the Schedule given below appearing in the Schedule annexed to the Government of India Notification No. 2114 dated 6th August, 1987 published in the Gazette of India Part II Section 3 Sub Section (ii) dated 15-8-1987 at pages 2723 to 2741 as “word and figures shown in column 10 to 18 of the schedule given below”

## SCHEDULE

Sl. Name of Village No		Tahsil	District	Survey No.	Hissa No.	Gat N	Area H. R	
1	2	3	4	5	6	7	8	9
1. Wagholi		Alibag	Raigad	12	11(p)	..	0	24.5
Sl. Name of Village No.		Tahsil	District	Survey No.		Hissa No.	Gat No.	Area H. R.
10	11	12	13	14	15	16	17	18
1. Wagholi		Alibag	Raigad	12		4(p)	..	6 24.5

## दुरुस्ती पत्रक

का.आ. 192—निम्नलिखित अनुसूची में खाना 1 से 9 में लिखे हुए शब्दों और संख्या भारत सरकार की म. का. आ. 2755, 28 सितम्बर, 1987, भारत का राजपत्र [भाग II—खंड 3(ii)], 10 अक्टूबर, 1987 प्रसारित हुए अधिसूचना की अनुसूची में छापे हैं। इसमें कहीं निम्नलिखित अनुसूची के खाना 10 में 18 में लिखे हुए शब्दों और संख्या पढ़ना।

## प्रसारित होने का वर्णन

अनु. क्र.	गांव का नाम	तहसील	जिला	स.नं.	हि.नं.	गट संख्या	क्षेत्र हेक्टर	आर
1	2	3	4	5	6	7	8	9
1.	खार दुतर्फा बोर्ली	पेण	रायगढ़	184	1ए (पी)	—		0-8-6
2.	—, —	पेण	रायगढ़	184	1बी (पी)	—		0-3-5

अनु. नं.	गांव का नाम	तहसील	जिला	स.नं.	हि.नं.	गट संख्या	क्षेत्र हेक्टर	आर
10	11	12	13	14	15	16	17	18
1.	खारदुतर्फा बोर्ली	पेण	रायगढ़	184	4	—	0-8-6	
2.	—, —	पेण	—	184	5	—	0-3-5	

## CORRIGENDUM

S.O.192—Read words and figures shown in columns 1 to 9 of the schedule given below appearing in the Schedule annexed to the Government of India Notification No. S.O. 2755 dated the 28th September 1987 published in the Gazette of India Part II, Section 3, Sub-Section (ii) dated 10th October 1987 as “words and figures shown in columns 10 to 18 of the schedule given below”

## SCHEDULE

Sl. No.	Name of the Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.	
1	2	3	4	5	6	7	8	9
1.	Khar Dutarpha Borli	Pen	Raigad	184	1A(p)	..	0-8-6	
2.	—"	Pen	Raigad	184	1B(p)	..	0-3-5	

Sl. No.	Name of the Village	Tahsil	District	Survey No.	Hissa	Gat No.	Area H. R.
10	11	12	13	14	15	16	17 18
1.	Khar Dutarpha Borli	Pen	Raigad	184	4	..	0-8-6
2.	—”—	Pen	Raigad	184	5	..	0-3-5

का.आ. 193.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में मौजे बाघोली, तहसील अलिबाग, जिला रायगढ़ से आगरसुरे, तहसील अलिबाग, जिला रायगढ़ तक पेट्रोलियम तेल अथवा नैसर्गिक गैस अथवा एफ्ल्यूअंट अथवा अन्य खनिज पदार्थों के परिवहन के लिये पाइपलाइन, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स विभाग, विलेपार्ले (प.) मुंबई द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स, नागोठणा, तहसील रोहा, जिला रायगढ़ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करनेवाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी बिधि व्यवसायी की मार्फत।

#### अनुसूची

पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3 की उपधारा (1) अधिसूचना क्रमांक तारीख की अनुसूची

अ. नं.	गांव का नाम	तहसील	जिला	सर्वे सं.	हिस्सा नं.	गोटा नं.	क्षेत्र हैक्टर	आर
1	2	3	4	5	6	7	8	9
32	परहूर	अलिबाग	रायगढ़	57	0(पी)	—	0-7-5	

S.O. 193.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum; oil, natural gas, effluent or any mineral from village Wagholi, Tal. Alibagh, District Raigad to village Agarsure, Taluka Alibagh, District Raigad in the State of Maharashtra, Pipeline should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Vile Parle (W), Bombay;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by Sub-Section (i) of Schedule 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1952 (50 of 1962), the Central Government hereby notify their intention to acquire the right of user in the lands referred to in the schedule;

Any person interested in the said lands having any objection for laying the pipelines through the said lands may prefer an objection within 21 days from the date of the notification, to the Competent Authority, Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Nagothane, Tahsil Roha, Dist. Raigad.

And every person making such an objection shall state Specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Schedule to Notification under Section 3(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

Sl. No.	Name of Village Tahsil	District	Survey No. Old	New	Hissa No.	Gat No.	Area H. R.
32	PARHOOR	Alibag	Rangad	57	0(p)	.	0-7 5

का आ 194—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकार्हाट में यह आवश्यक है कि महाराष्ट्र राज्य में मीर्जे चरी, तहसील अलिबाग, जिला रायगढ़ से धेरेंड, तहसील अलिबाग, जिला रायगढ़ तक पेट्रोलियम तेल अथवा नैसर्गिक गैस अथवा गैसोलीन अथवा अन्य खनिज पदार्थों के परिवहन के लिये पाइपलाइन, "इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस फैक्टर कॉम्प्लेक्स विभाग, विलेपार्ले (प०) मुंबई द्वारा बिछाई जानी चाहिये।

और यह: यह प्रतीत होता है कि ऐसी तारीखों को बिछाये के प्रयोजन के लिये एनडुपाबल अन्वेषण में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति उक्त भूमि के नीचे पाइपलाइन बिछाने के लिये आशेष गन्तव्य प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस फैक्टर कॉम्प्लेक्स, नागोठणा, तहसील रोंडा, जिला रायगढ़ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकता है।

और ऐसा आशेष करने वाला हर व्यक्ति निश्चित: यह भी कथन करेगा कि क्या वह चाहता है कि इसकी मनुबर्हि व्यक्तिगत हो या किमी निधि व्यवसायी की शक्ति।

## अनुसूची

पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3 की उपधारा (1) अधिसूचना क्रमांक तारीख की अनुसूची

अ. नं.	गांव का नाम	तहसील	जिला	सर्वे नं.	हिसा नं.	गट नं.	क्षेत्र है	आर.
1	2	3	4	5	6	7	8	9
1.	चरी	अलिबाग	रायगढ़	42	3 पी		0-2-0	
				42	5 पी		0-0-5	
				42	4 पी		0-1-0	
				42	1 पी		0-0-7	
				42	2 पी		0-6-6	
				39	2 पी		0-5-3	
2.	खोपणे	अलिबाग	रायगढ़	9	3 पी		0-2-5	
				9	4 पी		0-2-2	
				10	2 पी		0-1-5	
				34	4 पी		0-5-8	
3.	शहापूर	अलिबाग	रायगढ़	271	1 पी		0-7-1	
				273	1 व पी		0-10-9	
				269	2 पी		0-7-4	
				254	8 पी		0-3-8	
				254	4 पी		0-6-5	

1	2	3	4	5	6	7	8	9
3	गहापूर-जारी			254	3 पी		0-0-2	
				254	2 पी		0-1-0	
				255	0 पी		0-0-7	
				253	0 पी		0-3-8	
				6	0 पी		0-1-0	
				5	0 पी		0-0-5	
				147	3 पी		0-3-8	
				150	3 पी		0-3-1	
				150	1 पी		0-2-1	
				151	2 पी		0-1-1	
				137	5 ब पी		0-1-0	
				137	3 पी		0-1-0	
				137	2 पी		0-1-0	
				136	1 पी		0-5-0	
				151	1 पी		0-00-6	
				81	4 पी		0-11-0	
4	धेरंड	अलिबाग	रायगड	49	2 ब पी		0-1-0	
				53	1 अ पी		0-2-5	
				39	2 पी		0-7-1	
				40	1 पी		0-4-0	
				43	7 पी		0-5-4	
				42	4 पी		0-3-0	

S.O. 194.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum, oil, natural gas, effluent or any mineral from village Chari, Tal. Alibagh, District Raigad to village Dherand, Tal. Alibagh, District Raigad in the State of Maharashtra Pipelines should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Vile Parle (W), Bombay:

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby notify their intention to acquire the right of user in the lands referred to in the schedule;

Any person interested in the said lands having any objection for laying the pipelines through the said lands may prefer an objection within 21 days from the date of the notification, to the Competent Authority, Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Nagothane, Tal. Roha, Dist. Raigad.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner

#### SCHEDULE

Schedule to Notification under Section 3(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

Sr. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.
1	2	3	4	5	6	7	8
1.	CHARI	Alibag	Raigad	42		3(p)	0-02-0
				42		5(p)	0-00-5
				42		4(p)	0-01-0
				42		1(p)	0-00-7
				42		2(p)	0-06-6
				39		2(p)	0-05-3
2.	KHOPANE	Alibag	Raigad	9		3(p)	0-02-5
				9		4(p)	0-02-2
				10		2(p)	0-01-5
				34		4(p)	0-05-8

1	2	3	4	5	6	7	8	9
3. SHAHAPUR	Alibag	Raigad	274		2(P)	0-07-1		
			273		1B(P)	0-10-9		
			269		2(P)	0-07-4		
			254		8(P)	0-03-8		
			254		4(P)	0-06-5		
			254		3(P)	0-00-2		
			254		2(P)	0-01-0		
			255		0(P)	0 00-7		
			253		0(P)	0-03-8		
			6		0(P)	0-01-0		
			5		0(P)	0-00-5		
			147		3(P)	0-03-8		
			150		3(P)	0-03-1		
			150		1(P)	0-02-1		
			151		2(P)	0-01-1		
			137		5B(P)	0-01-0		
			137		(P)	0-01-0		
			137		2(P)	0-01-0		
			136		1(P)	0-05-0		
			151		1(P)	0-00-6		
			81		4(P)	0-11-0		
4. DHERAND	Alibag	Raigad	49		2B(P)	0-01-0		
			53		1A(P)	0-02-5		
			39		2(P)	0-07-1		
			40		1(P)	0-04-0		
			33		7(P)	0-05-4		
			32		4(P)	0-03-0		

का० आ० 195—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में मौजे मापगात्र तहसील अलीगंज, जिला रायगढ़ में बोरीम तहसील अलीबाग, जिला रायगढ़ तक पेट्रोलियम, तेल अथवा नैसर्गिक गैस अथवा एक्ज्युगट अथवा अन्य खनिज पदार्थों के परिवहन के लिए पार्सेप लाइन, इंडियन पेट्रोकैमिकल्स कार्पोरेशन, लिमिटेड, महाराष्ट्र गैस क्रेकर काम्प्लैक्स विभाग, विलेपार्ले (प) मुम्बई द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अतुल्य में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पदार्थ लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना प्राथम एतद्वारा घोषित किया है :

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकैमिकल्स कार्पोरेशन लिमिटेड महाराष्ट्र गैस क्रेकर काम्प्लैक्स, नागोठणा, तहसील रोहा, जिला रायगढ़ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3 की उपधारा (1) अधिसूचना क्रमांक तारीख की अनुसूची

अ०नं०	गाव का नाम	तहसील	जिला	सर्वे नं०	हिस्सा नं०	ग०न०	क्षेत्र है०	ग्रार०
1	2	3	4	5	6	7	8	9
4.	सोगाव	अलिबाग	रायगढ़	58	0 पी		0-11-1	
				62	0 पी		0-9-1	
				63	10 पी		0-1-1	
				63	9 पी		0-14-6	
				70	8 पी		0-12-6	
				69	6 पी		0-8-5	
				69	5 पी		0-6-8	
				69	3 पी		0-5-6	
				3	12 पी		0-13-1	
				8	1 पी		0-16-9	
				13	1 पी		0-7-5	
				13	2 पी		0-21-7	
				15	1 पी		0-5-0	
				15	2 पी		0-1-7	
				15	3 पी		0-1-5	

S.O. 195.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum, oil, natural gas, effluent or any mineral from village Mappaon, Taluka Alibagh, District Raigad to village Boris Taluka Alibagh, District Raigad in the State of Maharashtra, Pipeline should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division Vile Parle (W), Bombay,

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals

Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby notify their intention to acquire the right of user in the lands referred to in the schedule;

Any person interested in the said lands having any objection for laying the pipelines through the said lands may prefer an objection within 21 days from the date of the notification, to the Competent Authority, Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Nagothane, Tahsil Roba, Dist. Raigad.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Schedule to Notification under Section 3(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

Sl. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.
4.	SOGAON	Alibag	Raigad	58	0(P)		0-11-1
				62	0(P)		0-09-1
				63	10(P)		0-09-1
				63	9(P)		0-14-6
				70	8(P)		0-12-6
				69	6(P)		0-08-5
				69	5(P)		0-06-8
				69	3(P)		0-05-6
				3	12(P)		0-13-1
				8	1(P)		0-16-9
				13	1(P)		0-07-5
				13	2(P)		0-21-7
				15	1(P)		0-05-0
				15	2(P)		0-01-7
				15	3(P)		0-01-5

कां० 196.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में मौजे वावे तहसील पेण, जिला रायगढ़ से रावे तहसील पेण, जिला रायगढ़ तक पेट्रोलियम तेल अथवा नैसर्गिक गैस अथवा एकल्यूऐट अथवा अन्य खनिज पदार्थों के परिवहन के लिए पाईप लाइन इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स विभाग, विलेपार्ले (प) मुम्बई द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है;

यद्यपि कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स, नागोठना, तहसील रोहा जिला रायगढ़ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगतः हो या किसी निधि व्यवसायी की मार्फत।

### अनुसूची

पेट्रोलियम और खनिज पाईप (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3 की धारा (1) अधिसूचना क्रमांक तारीख की अनुसूची

अ० न० गांव का नाम		तहसील	जिला	मन्त्रे नं०	हिस्सा नं०	ग० नं०	क्षेत्र है०	आर०
1	2	3	4	5	6	7	8	9
1	वावे	पेण	रायगढ़	166	4 पी			0-1-2
20	रावे	पेण	रायगढ़	206	3 पी			0-02-2
				206	4 पी			0-06-3
				205	4 पी			0-06-5
				205	5 पी			0-00-5
				204	5 पी			0-05-3
				204	6 पी			0-02-0
				204	7 पी			0-00-2
				203	2 पी			0-00-3
				203	1 पी			0-07-3
				202	3 पी			0-04-6
				202	2 पी			0-96-5
				225	0 पी			0-92-4
				223अ 1	22 पी			0-34-0

S.O. 196.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum, oil, natural gas, effluent or any mineral from village Wave Taluka Pen, District Raigad to village Rave, Taluka Pen District Raigad in the State of Maharashtra, pipelines should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division Vile Parle (W), Bombay;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to

acquire the right of user in the lands described in the schedule annexed here-to;

Now, therefore in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby notify their intention to acquire the right of user in the lands referred to in the schedule;

Any person interested in the said lands having any objection for laying the pipelines through the said lands may

prefer an objection within 21 days from the date of the notifications, to the Competent Authority, Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Nagothane, Tahsil Roha, Dist Raigad.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner

### SCHEDULE

Schedule to Notification under Section 3(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962.

Sl. No.	Name of Village	Tahsil	District	Survey No.		Hissa No.	Gat No.	Area	
				Old	New			H.	R.
1.	WAVE	PEN	RAIGAD		166	4(P)	..	0-1	2
20	Ravi	Pen	Raigad	206		3 (P)		0-02	-2
				206		4 (P)		0-06	-3
				205		4 (P)		0 -06	-5
				205		5 (P)		0-00	-5
				204		5 (P)		0-05	-3
				204		6 (P)		0-02	-0
				204		7 (P)		0-00	-2
				203		2 (P)		0-00	-3
				203		1 (P)		0-07	-3
				202		3 (P)		0 -04	-8
				202		2 (P)		0-06	-5
				225		0 (P)		0 -02	-4
				223A1		A1		0-34	-0
						2/2(P)			

का०आ० 197.—यत्. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में मौजे से वाघोली तहसील अलिबाग, जिला रायगड न आगरसुरे तहसील अलिबाग, जिला रायगड तक पेट्रोलियम तेल अथवा तैमसिक गैस अथवा एफ्लैशअथ अथवा अन्य खनिज पदार्थों के परिवहन के लिए पाइप लाइन, 'इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड महाराष्ट्र गैस ब्रेकर काम्प्लेक्स विभाग, विलेपार्ले (प) मुंबई द्वारा बिछाई जानी चाहिए।

और यत् यह प्रतीत होता है कि ऐसी लाइन का बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड महाराष्ट्र गैस ब्रेकर काम्प्लेक्स नागोठणा, तहसील रोहा जिला रायगड को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई अकिण्व हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम और खनिज पाइप लाइन उपधारा (1) अधिसूचना क्रमांक				(भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3 की तारीख का अनुसूची				
अ.नं०	गांव का नाम	तहसील	जिला	सर्वे न०	हिस्सा न०	ग.न०	है०	क्षेत्र आर०
1	2	3	4	5	6	7	8	9
29.	कामल	अलिबाग	रायगढ़	131	1 पी		0-8-6	
				136	2अपी		0-7-3	
				135	0 पी		0-9-1	
				138	5 पी		0-11-4	
				138	4 पी		0-6-0	
				138	3 पी		0-6-1	
30.	भार्डमला	अलिबाग	रायगढ़	12	0 पी		0-15-9	
				12	0 पी		0-31-6	
				12	0 पी		0-17-7	
				32	1 पी		0-4-5	
				11	1ब पी		0-16-4	
				10	1 पी		0-2-5	
				10	2 पी		0-18-4	
				30	2 पी		0-0-2	
31	मन्डवडे	अलिबाग	रायगढ़	22	1 पी		0-5-5	
				22	3 पी		0-0-8	
				38	4 पी		0-4-8	
				39	7 पी		0-0-5	
				45	1 पी		0-4-2	
				44	0 पी		0-6-3	
				155	5 पी		0-3-8	
				155	1 पी		0-5-8	
				50	1 पी		0-4-5	
				51	0 पी		0-7-5	
				54	3 पी		0-9-1	
				52	6 पी		0-5-8	
				57	6 पी		0-5-3	
				57	7 पी		0-4-3	
				57	4 पी		0-0-7	
				58	2 पी		0-1-8	
				58	3 पी		0-2-6	
				58	1 पी		0-9-1	
				80	2अ पी		0-5-0	
				82	2 पी		0-18-2	
				81	5 पी		0-3-0	
32.	परहर	अलिबाग	रायगढ़	31	1 ब पी		0-2-5	
				31	1 पी		0-2-0	
				32	10 पी		0-7-8	
				32	17 पी		0-5-5	
				58	1अ पी		0-9-1	

1	2	3	4	5	6	7	8	9
				58	1ब पी		0-3-7	
				58	1क पी		0-15-9	
				72	1 पी		0-11-4	
				71	0 पी		0-5-8	
				70	2 पी		0-4-3	
33.	भिसराई	अलीबाग	रायगढ़	22	1 पी		0-16-2	
				26	1 पी		0-01-5	
				27	5 पी		0-04-3	
				27	4 पी		0-01-0	
				31	1अ पी		0-10-1	
				32	1 पी		0-05-5	
34.	बहिरोले	अलीबाग	रायगढ़	37	0 पी		0-2-7	
				56	9 पी		0-4-6	
				55	17 पी		0-4-1	
				39	1 पी		0-10-1	
				39	3 पी		0-12-3	
				39	4 पी		0-5-6	
				41	1 पी		0-2-5	
				42	4 पी		0-10-7	
				42	3 पी		0-10-6	
				42	1 पी		0-3-5	
				42	5 पी		0-2-2	
				43	3 अ पी		0-4-8	
				63	2 पी		0-1-7	
35.	मापगांव	अलीबाग	रायगढ़	88	5 पी		0-2-0	
				89	1 पी		0-6-3	
				89	3 अ पी		0-4-8	
				91	3 पी		0-2-0	
				91	2 पी		0-6-8	
				91	1 पी		0-0-2	
				92	1 पी		0-3-9	
				81	7 पी		0-0-5	
				81	1 पी		0-2-5	
				81	5अ पी		0-1-0	
				77	10 पी		0-0-2	
				76	1 पी		0-8-3	
				79	2+3+4 पी		0-7-5	
				79	0 पी		0-3-2	
				65	1अ पी		0-3-9	
				74	1 पी		0-3-5	
				72	0 पी		0-1-0	
				71	2 पी		0-14-7	

S.O. 197.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum, oil, natural gas, effluent or any mineral from village Wagholi, Tal. Alibag District Raigad to village Agarsure Taluka Alibag District Raigad in the State of Maharashtra, Pipelines should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division Vile Parle (W), Bombay;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by Sub-Section (i) of Section 3 of the Petroleum and Minerals

Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby notify their intention to acquire the right of user in the lands referred to in the schedule;

Any person interested in the said lands having any objection for laying the pipelines through the said lands may prefer an objection within 21 days from the date of the notification, to the Competent Authority, Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Nagothane, Tahsil Roha, Dist. Raigad.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

Schedule to Notification under Section 3(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

SCHEDULE

Sl. No.	Name of village	Tahsil	District	Survey No.	Hissa No.	Gate No.	Area H. R.	
1	2	3	4	5	6	7	8	9
29.	Kamarle	Alibag	Raigad	131	1 (P)		0—08—6	
				136	2B(P)		0—07—3	
				135	0 (P)		0—09—1	
				138	5 (P)		0—11—4	
				138	4 (P)		0—06—0	
				138	3 (P)		0—06—1	
30.	Bhaimala	Alibag	Raigad	12	0 (P)		0—15—9	
				12	0 (P)		0—31—6	
				12	0 (P)		0—17—7	
				32	1 (P)		0—04—5	
				11	1B(P)		0—16—4	
				10	1 (P)		0—02—5	
				10	2 (P)		0—18—4	
				30	2 (P)		0—00—2	
31.	Talawade	Alibag	Raigad	22	1 (P)		0—05—5	
				22	3 (P)		0—00—8	
				38	4 (P)		0—04—8	
				39	7 (P)		0—00—5	
				45	1 (P)		0—04—2	
				44	0 (P)		0—06—3	
				155	5 (P)		0—03—8	
				155	4 (P)		0—05—8	
				50	1 (P)		0—04—5	
				51	0 (P)		0—07—5	
				54	3 (P)		0—09—1	
				52	6 (P)		0—05—8	
				57	6 (P)		0—05—3	
				57	7 (P)		0—04—3	
				57	4 (P)		0—00—7	
				58	2 (P)		0—01—8	
				58	3 (P)		0—02—6	

1	2	3	4	5	6	7	8	9
				58	4 (P)		0—09—1	
				80	2B (P)		0—05—0	
				82	2 (P)		0—18—2	
				81	5 (P)		0—03—0	
32. Parhur	Alibag	Raigad	31	1B (P)			0—2—5	
			31	4 (P)			0—02—0	
			32	10 (P)			0—07—8	
			32	17 (P)			0—05—5	
			58	1A (P)			0—09—1	
			58	1B (P)			0—03—7	
			58	1C(P)			0—15—9	
			72	1 (P)			0—11—4	
			71	0 (P)			0—05—8	
			70	2 (P)			0—04—3	
33. Bhisara	Alibag	Raigad	22	1 (P)			0—16—2	
			26	1 (P)			0—01—5	
			27	5 (P)			0—04—3	
			27	4 (P)			0—01—0	
			31	1A(P)			0—10—1	
			32	1 (P)			0—05—5	
34. Bahirole	Alibag	Raigad	37	0 (P)			0—02—7	
			56	9 (P)			0—04—6	
			55	17 (P)			0—04—1	
			39	1 (P)			0—10—1	
			39	3 (P)			0—12—3	
			39	4 (P)			0—05—6	
			41	1 (P)			0—02—5	
			42	4 (P)			0—10—7	
			42	3 (P)			0—10—6	
			42	1 (P)			0—03—5	
			42	5 (P)			0—02—2	
			43	3A(P)			0—04—8	
			63	2 (P)			0—01—7	
35. Mapgaon	Alibag	Raigad	88	5 (P)			0—02—0	
			89	1 (P)			0—06—3	
			89	3A(P)			0—04—8	
			91	3 (P)			0—02—0	
			91	2 (P)			0—06—8	
			91	1 (P)			0—00—2	
			92	1 (P)			0—03—9	
			81	7 (P)			0—00—5	
			81	1 (P)			0—02—5	
			81	5A(P)			0—01—0	
			77	10(P)			0—00—2	
			76	1 (P)			0—08—3	
			79	2+3+4(P)			0—07—5	
			79	0 (P)			0—03—2	
			65	1A(P)			0—03—9	
			74	1 (P)			0—03—5	
			72	0 (P)			0—01—0	
			71	2 (P)			0—14—7	

का.प्र. 198.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि महाराष्ट्र राज्य में मौजे श्रीगांव तहसील अलिबाग, जिला रायगड से शहाबाज तहसील अलिबाग, जिला रायगड तक पेट्रोलियम तेल अथवा नैसर्गिक गैस अथवा एफल्यूअट अथवा अन्य खनिज पदार्थों के परिवहन के लिए पाईप लाइन, इंडियन, पेट्रोकेमिकल्स कारपोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स विभाग, विलेपार्ले (त) मुम्बई द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स नागोठणा, तससील रोहा जिला रायगड को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहती है कि उसकी सुनवाई व्यक्तिगतः हो या किसी निजी व्यवसायी की मार्फत।

#### अनुसूची

पेट्रोलियम और खनिज पाइप (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 2 की उपधारा (1) अधिसूचना क्रमांक तारीख की अनुसूची

अ.न.	गांव का नाम	तहसील	जिला	सर्वे नं.	हिस्सा नं.	ग.न.	क्षेत्र है०	आर०
1	2	3	4	5	6	7	8	9
	शहाबाज	अलिबाग	रायगड	236	3 ब		0-1-2	
				229	4		0-5-3	
				224	6		0-1-5	
				224	4		0-4-1	
				224	5		0-3-2	
				221	1		0-4-9	
				221	2		0-8-9	
				219	0		0-5-5	
				189	0		0-5-5	
				189	1		0-4-8	
				183	6		0-1-8	
				249	6		0-2-8	
				249	3		0-10-2	

ह०/-

सक्षम अधिकारी

इंडियन पेट्रोकेमिकल्स कारपोरेशन लि०

महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स

(पाईप लाईन) नागोठणा

एस.के. गुप्ता, डेस्क अधिकारी

S.O. 198.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum, oil, natural gas, effluent or any mineral from village Srigaon, Taluka Alibagh, District Raigad to village Shashabaj Taluka Alibagh, District Raigad in the State of Maharashtra, Pipelines should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra

71 GI/88—3.

Gas Cracker Complex Division Vile Parle (W), Bombay;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the schedule annexed here-to;

Now, therefore in exercise of the powers conferred by Sub-Section (1) of Section 3 of the Petroleum and Minerals

Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby notify their intention to acquire the right of user in the lands referred to in the schedule;

Any person interested in the said lands having any objection for laying the pipelines through the said lands may prefer an objection within 21 days from the date of the noti-

fication, to the Competent Authority, Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division, Nagothane, Tahsil Roha Dist. Raigad.

And every person making such an objection shall state specifically whether he wishes to be heard in person or by a legal practitioner.

### SCHEDULE

Schedule to Notification under Section 3(1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962

Sr. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gate No.	Area	
							H	R
	Shahabaj	Alibag	Raigad	236	3B (P)		0—01—2	
				229	4 (P)		0—05—3	
				224	6 (P)		0—01—5	
				224	4 (P)		0—04—1	
				224	5 (P)		0—03—2	
				221	1 (P)		0—04—9	
				221	2 (P)		0—08—9	
				219	0		0—05—5	
				189	0		0—05—5	
				189	1 (P)		0—04—8	
				183	6 (P)		0—01—8	
				249	6 (P)		0—02—8	
				249	3 (P)		0—10—2	

—Sd—

Competent Authority, Indian Petrochemicals Corporation Ltd.  
Maharashtra Gas Cracker Complex (Pipe Lines) Nagothane.  
S. K. GUPTA, Desk Officer

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 जनवरी, 1988

का.प्रा. 199.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजीरा से वरेली से जगदीशपुर तक पैट्रोलियम के परिवहन के लिये पाइप लाईन भारतीय गैस प्राधिकरण मर्यादित लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्प्रावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पैट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि में नीचे पाइप लाईन बिछाने के लिये आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण मर्यादित, गुना(म.प्र.) को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

एच.बी.जे. गैस पाइप लाईन प्रोजेक्ट

ग्राम का नाम—गणेशखेड़ा तहसील—दतिया जिला—दतिया म.प्र.

अनुसूची

अनु.क्र.	खसरा नम्बर	उपयोग अधिकार अर्जन का क्षेत्र (है.में)
1.	599/2	0.60
कुल योग		0.60

[सं. ओ-14016/1/88-जी पी]

MINISTRY OF PETROLEUM AND  
NATURAL GAS

New Delhi, the 8th January, 1988

S.O. 199.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from HAZIRA-BARILLY to JAGDISH-PUR in Madhya Pradesh State pipe line should be laid by the Gas Authority of India Limited.

and whereas it appears that for the purpose of laying a pipeline, it is necessary to acquire the right of user in the land prescribed in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by section (1) of the Section 3 of the Petroleum and Mining Pipelines (Acquisition of Right of User in the Land) 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

provided that any person interested in the said land may, in 21 days from the date of this notification, object to laying of the pipeline under the land to the Competent authority, GAS AUTHORITY OF INDIA LIMITED, HBI Pipe line Guana (M.P.).

and every person making such an objection shall also state specifically whether he wishes to be heard in person or by a practitioner.

### H.B.J. GAS PIPE LINE PROJECT

Range— Ganeshikheda Tehasil : Datia District Datia M.P.

#### SCHEDULE

Sl. Survey No.	Area to be acquired for R.O.U. in hectare
599/2	0.60
Total	0.60

[No. O-14016/1/88-G.P.]

का.आ. 200—यतः केन्द्रीय सरकार को यह प्रतीत है कि लोक हित में यह आवश्यक है कि मध्य प्रदेश में हजौरा से बरेली से जगदीशपुर तक पेट्रोलियम नहर के लिये पाईप लाईन भारतीय गैस प्राधिकरण द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को देने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिये आक्षेप सक्षम न हो, भारतीय गैस प्राधिकरण मर्यादित, गना (म.प्र.)

को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेंगे।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी को मार्फत।

एच.बी.जे. गैस पाईप लाईन प्रोजेक्ट

ग्राम का नाम—हृतलब तहसील—दतिया जिला—दतिया राज्य मध्य प्रदेश

#### अनुसूची

अनु. क्र.	खसरा नम्बर	उपयोग अधिकार अर्जन का क्षेत्र (हे. में)
1	2	3
1.	189	0.02
2.	190	0.13
3.	191	0.01
4.	192	0.05
5.	202	0.02
6.	268	0.02
7.	269	0.15
8.	270	0.17
9.	771	0.30
10.	772	0.04
11.	773	0.06
12.	780/1	0.02
13.	780/2	0.42
14.	801	0.04
15.	802	0.02
16.	803	0.14
17.	809	0.03
18.	810	0.19
19.	814	0.02
20.	815	0.21
21.	816	0.02
22.	818	0.40
23.	819	0.07
24.	824/1	1.18
25.	828	0.03
26.	832	0.31
27.	833	0.07
28.	834	0.03

1	2	3
29.	836	0.36
30.	838	1.15
31.	193	0.03
32.	273	0.06
33.	744/2	0.23
34.	825	0.29
35.	827	0.52
36.	769/874	0.07
37.	780/875	0.32
कुल योग		7.20

[सं. ओ-14016/02/88-जी पी]

S.O. 200.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from HAZIRA-BARILLY to JAGDISH-PUR in Madhya Pradesh State pipe line should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, GAS AUTHORITY OF INDIA LIMITED, HBI Gas Pipe line Gunna (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

### H.B.J. GAS PIPELINE PROJECT

Village Harlab Tehasil-Datia District -Datia M.P.

#### SCHEDULE

S. Survey No.	Area to be acquired for R.O. U. in hectare
1	2
1. 189	0.02
2. 190	0.13
3. 191	0.01
4. 192	0.05
5. 202	0.02
6. 268	0.02
7. 269	0.15
8. 270	0.17
9. 771	0.30

1	2	3
10.	772	0.04
11.	773	0.06
12.	780/1	0.02
13.	780/2	0.42
14.	801	0.04
15.	802	0.02
16.	803	0.14
17.	809	0.03
18.	810	0.19
19.	814	0.02
20.	815	0.21
21.	816	0.02
22.	818	0.40
23.	819	0.07
24.	824/1	1.18
25.	828	0.03
26.	832	0.31
27.	833	0.07
28.	834	0.03
29.	836	0.36
30.	838	1.15
31.	193	0.03
32.	273	0.06
33.	744/2	0.23
34.	825	0.29
35.	827	0.52
36.	769/874	0.07
37.	780/875	0.32
Total		7.20

[No. O-14016/02/88-G.P.]

का.आ. 201—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजीरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण मर्यादित लि. द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी

भारतीय गैस प्राधिकरण पर्याप्त, गुना (म.प्र.) को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

एच.बी.जे. गैस पाइपलाइन प्रोजेक्ट

ग्राम का नाम भेघोनाबड़ा तहसील—कोलारस जिला—शाहपुरी  
अनुसूची

अनु. क्र.	खसरा नम्बर	उपयोग के अधिकार भर्जन का क्षेत्र (है. में)
1	2	3
1.	460	0.042
2.	461	0.470
3.	462	0.031
4.	463	0.397
5.	465	0.010
6.	466	0.280
7.	467	0.251
8.	468	0.031
9.	487	0.344
10.	488	0.470
11.	497	0.596
12.	498	0.105
13.	501	0.199
14.	502	0.010
15.	504	0.251
16.	520	0.209
17.	523	0.251
18.	524	0.428
19.	525	0.366
20.	526	0.021
21.	528	0.031
22.	535	0.031
23.	637	0.021
24.	644/2	0.155
25.	645	0.052
26.	646	0.397
27.	647	0.167
28.	648	0.055
29.	677	0.062
30.	1447/1	0.408
31.	1452	0.052
32.	1453	0.302

1	2	3
33.	1454	0.449
34.	1456/1	0.230
35.	1457	0.062
36.	1465	0.042
37.	1468	0.240
38.	1469	0.387
39.	1471	0.596
40.	1510	0.167
41.	1511	0.240
42.	1512	0.010
43.	1513	0.199
44.	1527	0.031
45.	1528	0.133
46.	1530	0.145
47.	1531	0.092
48.	1536	0.042
49.	1540	0.010
50.	1542	0.314
51.	1543	0.157
52.	1544	0.135
53.	1545	0.021
54.	1546	0.092
55.	1555	0.021
56.	1556	0.209
57.	1557	0.209
58.	1560	0.062
59.	1579	0.188
60.	1580	0.261
61.	1582	0.271
62.	1560	0.092
63.	1719/1	0.596
64.	1720	0.375
65.	1721 मि/1	0.251
66.	1833	0.073
67.	1513/2380	0.219
68.	1609	0.052
कुल योग		14.168

[सं. O-14016/331/85-जी पी]

S.O. 201.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hazira-Barielly to Jagdishpur in Madhya Pradesh State pipe line should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (59 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, GAS AUTHORITY OF INDIA LIMITED, HBJ Gas Pipe line Gunna (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

### H B.J. GAS PIPELINE PROJECT

Village: Meghonabada Tehsil: Kolaras District: Shivpur

#### SCHEDULE

Sl. Survey No.	Area to be acquired for r.o.u. in hectare
1 2	3
1. 460	0.042
2. 461	0.470
3. 462	0.031
4. 463	0.397
5. 465	0.010
6. 466	0.280
7. 467	0.251
8. 468	0.031
9. 487	0.344
10. 488	0.470
11. 497	0.596
12. 498	0.105
13. 501	0.199
14. 502	0.010
15. 504	0.251
16. 520	0.209
17. 523	0.251
18. 524	0.428
19. 525	0.366
20. 526	0.021
21. 528	0.031
22. 535	0.031
23. 637	0.021
24. 644/2	0.155
25. 645	0.052
26. 646	0.397
27. 647	0.167
28. 648	1.055
29. 677	0.062
30. 1447/1	0.408
31. 1452	0.052
32. 1453	0.302
33. 1454	0.449
34. 1456/1	0.230

1 2	3
35. 1457	0.062
36. 1465	0.042
37. 1468	0.240
38. 1469	0.387
39. 1471	0.596
40. 1510	0.167
41. 1511	0.240
42. 1513	0.010
43. 1531	0.199
44. 1527	0.031
45. 1528	0.133
46. 1530	0.145
47. 1531	0.092
48. 1536	0.042
49. 1540	0.010
50. 1542	0.314
51. 1543	0.157
52. 1544	0.135
53. 1545	0.021
54. 1546	0.092
55. 1555	0.021
56. 1556	0.209
57. 1557	0.209
58. 1560	0.062
59. 1579	0.188
60. 1580	0.261
61. 1582	0.271
62. 1560	0.092
63. 1719/1	0.596
64. 1720	0.375
65. 1721 Me/1	0.251
66. 1833	0.073
67. 1513/2380	0.219
68. 1609	0.052
Total	14.168

[No. O-14016/331/85-G.P.]

का०आ० 202:—वृकि गैस अथारिटी ऑफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन एक्ट, 1962 के अन्तर्गत पाइपलाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाएँ ग्रामों में उपयोग अधिकार अर्जन किया है एवम वह निम्न ग्रामों में क्लाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन एक्ट, 1962 में उल्लिखित पाइपलाइन डालने का कार्य दिनांक 30-11-87 को पूर्ण कर दिया है।

अतः मैं, व्ही०पी० अजमेरा, सक्षम प्राधिकारी, उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लिखित दिनांक को

इन ग्रामों में पाइपलाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य : मध्य प्रदेश जिला : राजगढ़ तेहसील : राजगढ़

अनुसूची

अनु० क्र०	नाम ग्राम	कार्य का दिनांक	समाप्ति
1.	हिरणखेड़ी	30-11-87	
2.	घोघड़िया खुर्द	"	
3.	गोल्यावे	"	
4.	कालीपीठ	"	
5.	बनान्या	"	
6.	लालातलाई	"	
7.	बाजपुरा	"	
8.	कुन्डीवे	"	
9.	महुआवे	"	
10.	जोडक्या	"	
11.	सुवाहेड़ी	"	

S.O. 202—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 30-11-87

I, V.P. Ajmera, Competent Authority, Ujjain hereby notify under rule 4(1) of the Petroleum and Mineral Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State: Madhya Pradesh District: Rajgarh Tahsil: Rajgarh  
SCHEDULE

Sl. No.	Name of the village	Date of termination of the operation
1.	Hirankhedi	30-11-1987
2.	Ghonghadia Khurd	-do-
3.	Goliabeh	-do-
4.	Kalipith	-do-
5.	Bananya	-do-
6.	Lalatalai	-do-
7.	Bajpura	-do-
8.	Kundibe	-do-
9.	Mahuabe	-do-
10.	Jodakia	-do-
11.	Suwaheda	-do-

क्र० आ० 203—चूंकि गैस अथॉरिटी ऑफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाएँ ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में बलाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन एक्ट, 1962 में उल्लिखित पाइपलाइन डालने का कार्य दिनांक 30-11-87 को पूर्ण कर दिया है।

अतः मैं, ह्यू० पी० अजमेरा, सक्षम प्राधिकारी, उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लिखित दिनांक को इन ग्रामों में पाइपलाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य : मध्य प्रदेश जिला : राजगढ़ तेहसील : राजगढ़

अनुसूची

अनु० क्र०	नाम ग्राम	कार्य का दिनांक	समाप्ति
1.	रसुलपुरा	30-11-87	
2.	कलपोनी	"	
3.	पाडल्या खेड़ी	"	
4.	चोमला	"	
5.	गुराड़िया	"	
6.	गुमड़िया खेड़ी	"	
7.	खजूरिया	"	
8.	गोरखपुरा	"	
9.	किशनपुरिया	"	
10.	कुन्डीवे	"	
11.	लालपुरिया	"	
12.	मोहकमपुरा	"	
13.	दलेलपुरा	"	
14.	रानीपुरा	"	
15.	भादवा खेड़ा	"	
16.	किशनपुरिया	"	
17.	सावन खेड़ा	"	
18.	रामपुरिया	"	
19.	राजलीवे	"	
20.	पिपलवे	"	

S.O. 203—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 30-11-87,

I, V.P. Ajmera Competent Authority. Ujjain hereby notify under rule 4(1) of the petroleum and Minerals Pipeline Rules 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State: Madhya Pradesh District: Rajgarh Tahsil: Rajgarh

Sl. Name of the Village No.	Date of termination of the operation
1. Rasulpura	30-11-87
2. Kalaponi	-do-
3. Padaliya Khedi	-do-
4. Chosala	-do-
5. Guradiya	-do-
6. Tumadia Khedi	-do-
7. Khajuri	-do-
8. Gorakhpura	-do-
9. Kishanpuria	-do-
10. Kundibe	-do-
11. Lalpuria	-do-
12. Mohakampura	-do-
13. Dalelpura	-do-
14. Ranipura	-do-
15. Bhadawa Kheda	-do-
16. Kishanpuria	-do-
17. Sawan Kheda	-do-
18. Rampuria	-do-
19. Rajalibe	-do-
20. Pipalbe	-do-

का०आ० 204:—चूंकि गैस अथारिटी ऑफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाएँ ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 30-11-87 को पूर्ण कर दिया है।

अतः मैं, ह्री० पी० अजमेरा सक्षम प्राधिकारी उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य: मध्य प्रदेश जिला: शाजापुर तहसील: नल बेड़ा  
अनुसूची

अनु० क्र.	नाम ग्राम	कार्य का दिनांक	समाप्ति दिनांक
1	2	3	
1.	टिकोन		30-11-87

S.O. 204. Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 30-11-87.

I, V.P. Ajmera Competent Authority. Ujjain hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State: Madhya Pradesh District: Shajapur Tahsil: Nalkheda

Sl. Name of the village No.	Date of termination of the operation
1. Tikon	30-11-87

का०आ० 205:—चूंकि गैस अथारिटी ऑफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाएँ ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य 30-11-87 को पूर्ण कर दिया है।

अतः मैं, ह्री० पी० अजमेरा सक्षम प्राधिकारी उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य: मध्य प्रदेश जिला: राजगढ़ तहसील: सारंगपुर

## अनुसूची

अनु० नाम ग्राम	कार्य समाप्ति का दिनांक
1	2
1. बारोल	30-11-87
2. खेरच्याखेड़ी	"
3. पठारी	"
4. निपान्यातुला	"
5. दयाखेड़ी	"
6. देदला	"
7. म्याना	"
8. सेमलीलोड़ा	"
9. खंडवता	"
10. खंजरपुर	"
11. बरखेड़ाखुर्मे	"
12. घाटाखेड़ी	"

S.O. 205—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 30-11-87

I V.P. Ajmera Competent Authority Ujjain hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules 1963 the above mentioned date as date of termination of operation laying the pipeline in these villages.

State : Madhya Pradesh District : Rajgarh Tahsil Sarangpur.

Sl. Name of the village No.	Date of termination of the operation
1. Barol	30-11-87
2. Kheracha Khedi	-do-
3. Pathari	-do-
4. Mapaniya Tula	-do-
5. Dayakhedi	-do-
6. Dedala	-do-
7. Bhyana	-do-
8. Semileda	-do-
9. Sadawata	-do-
10. Khanjarpur	-do-
1. Barkheda Khuram	-do-
2. hata Khedi	-do-

का०आ० 206:—चूंकि गैस अथॉरिटी ऑफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनेरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची के मे दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह ग्रामों निम्न में कलाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनेरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 29-10-87 को पूर्ण कर दिया है।

अतः मैं, ह्यू० पी० अजमेरा, सक्षम प्राधिकारो/उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनेरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूं।

राज्य: मध्य प्रदेश जिला: झाबुआ तहसील: पटलावद अनुसूची

अनु० नाम ग्राम क्र०	कार्य समाप्ति का दिनांक
1	2
1. मोहनकोट	29-10-87
2. रलियामन	"
3. अजबरोली	"

अनूप मिश्र, उप सचिव  
सक्षम प्राधिकारी)  
उज्जैन (म.प्र.)

S.O. 206—Where as Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 29-10-87.

I V.P. Ajmera Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules 1963 the above mentioned date as the date of termination of of operation laying the pipeline in these villages.

State: Madhya Pradesh District: Jhabua Tahsil: Petlawad

Sl. Name of the Village No.	Date of termination of the operation
1. Mohankot	29-10-87
2. Raliawan	29-10-87
3. Ajab Borali	29-10-87

ANOOP MISHRA, Dy. Secy.  
COMPETENT AUTHORITY  
Ujjain, Madhya Pradesh

पर्यावरण और वन मंत्रालय  
(पर्यावरण, वन और वन्यजीव विभाग)

नई दिल्ली, 5 जनवरी, 1988

का.आ. 207:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पर्यावरण, वन एवं वन्यजीव विभाग के अधीन निम्नलिखित कार्यालयों, जिसके कर्मचारी धुन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. केन्द्रीय जल प्रदूषण निवारण एवं नियंत्रण बोर्ड, नई दिल्ली।
2. भारतीय वन्य प्राणी संस्थान, देहरादून।
3. वन बागान विकास निगम लिमिटेड, पोर्ट ब्लेयर।
4. इन्दिरा गांधी राष्ट्रीय वन अकादमी, देहरादून।

[सं. ई-11011/18/85-का.हि.-2]

उदयराम ध्यानी, वरिष्ठ हिन्दी अधिकारी

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

New Delhi, the 5th January, 1988

S.O. 207.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (use for official purpose of the union) Rule, 1976 the Central Government hereby notifies the following offices under the administrative control of the Department of Environment, Forests & Wildlife, the staff whereof have acquired a working knowledge of Hindi:—

1. Central Board for the prevention and control of water Pollution, New Delhi.
2. Wildlife Institute of India, Dehradun.
3. Forest Plantation Development Corporation Limited, Port Blair.
4. Indira Gandhi National Forest Academy, Dehradun.

[No. E-11011/18/85-Ka Hindi II]

U. R. DHYANI, Senior Hindi Officer

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 7 जनवरी, 1988

का.आ. 208.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने आराकाण्डानालुर, सीताकिगमडम, मानाकुरपेट, कण्डाचिपुरम थिरुनेल्लु काबल और तत्कालीन टेलीफोन केन्द्रों, नमिलनाडु सर्किल, में दिनांक 26-1-1988 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

संख्या 5-1/87—पी एच बी]

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 7th January, 1988

S.O. 208.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 26-1-1988 as the date on which the Measured Rate System will be introduced in Arakandanallur, Sithalingamadam, Manalurpet, Kandachipuram, Thirunellikaval and Thuckalay Telephone Exchange, Tamil Nadu Telecom. Circle.

[No. 5-1/87-PHB]

का.आ. 209.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने अंकोला टेलीफोन केन्द्र, कर्णाटका सर्किल, में दिनांक 26-1-1988 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं. 5-7/87—पी एच बी]

S.O. 209.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 26-1-1988 as the date on which the Measured Rate System will be introduced in Ankola Telephone Exchange, Karnataka Telecom. Circle.

[No. 5-7/87-PHB]

नई दिल्ली, 8 जनवरी, 1988

का.आ. 210.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने बरियारपुर टेलीफोन केन्द्र, बिहार सर्किल, में दिनांक 26-1-1988 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-11/87—पी एच बी]

पी. आर. कारड़ा, सहायक महानिदेशक  
(पी. एच. बी.)

New Delhi, the 8th January, 1988

S.O. 210.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 26-1-1988 as the date on which the Measured Rate System will be introduced in Bariapur Telephone Exchange, Bihar Telecom. Circle.

[No. 5-11/87-PHB]

P. R. KARRA, Assistant Director General(PHB).

श्रम मंत्रालय

नई दिल्ली, 7 जनवरी, 1988

का.आ. 211:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन मिनरल्स और एलाइड इन्डस्ट्रीज, सेल के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों

के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 29-12-87 को प्राप्त हुआ था।

### MINISTRY OF LABOUR

New Delhi, the 7th January, 1988

S.O. 211—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Mineral and Allied Industries Salem and their workmen, which was received by the Central Government on the 29th December 1987

### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Friday, the 18th day of December, 1987

### PRESENT

Thiru Fyzee Mahmood, B.Sc., B.L., Industrial Tribunal  
Industrial Dispute No. 62 of 1983

(In the matter of the dispute for adjudication between the workmen and the Management of Indian Minerals and Allied Industries, Salem-7)

### BETWEEN

The workmen represented by

- 1 The General Secretary,  
The Salem District Magnesite Labour Union, Suramangalam, Salem
- 2 The General Secretary,  
Mines Minerals and Allied Industries National Workers Union, No 30/D, Bhavani Main Road, Sankari West-637303.

### AND

The Mines Agent,  
M/s Indian Minerals and Allied Industries, 7-A, Rajagopalachari Road, Salem-7

### REFERENCE

Order No L-29025/8/82-D III (B), dated 25-8-1983 of the Ministry of Labour, Government of India, New Delhi

This dispute coming on for final hearing on Monday, the 9th day of November, 1987 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N. G. R. Prasad for Row and Reddy, Advocates appearing for Union No 2 and of Thiru S. Byravan, Advocate for the Management and Union No 1 being absent and this dispute having stood over till this day for consideration, this Tribunal made the following —

### AWARD

This dispute between the workmen and the Management of Indian Minerals and Allied Industries, Salem-7 arises out of a reference by the Government of India in its Order No L-29025/8/82-D III (B), dated 25-8-1983 of the Ministry of Labour for adjudication of the following issues

- “1 Whether the denial of revision of wages to the breakers, loaders and earth workers by Messrs Indian Minerals and Allied Industries, Salem is proper and justified? If not, to what relief are they entitled?”
- 2 Whether the denial of house rent allowance to the workers by Messrs Indian Minerals and Allied Industries, Salem is proper and justified? If not, to what relief are the workers entitled?”

2. In the claim statement filed by Petitioner-Union No 1 namely, the Salem District Magnesite Labour Union, Salem, it is stated that it is a Trade Union registered under the Trade Unions Act and having a substantial number of workmen as its members. The dispute referred is regarding revision of wages and House Rent Allowance. The Union demands basic wages of Rs 12 per day for the Breakers,

Rs 11 per day to the Loaders and Rs 10 per day for the earth workers. Dearness Allowance at the rate of Rs. 150 per point above 250 points (1900 base) is also demanded. House Rent Allowance of Rs 40 to the Breakers and Loaders and Rs 30 to other workers should be paid. It is prayed that an award may be passed in the above terms

3 In the claim statement filed by the Petitioner-Union No 2, viz Mines Minerals and Allied Industries National Workers Union, Sankari West, it is stated that the Respondent-Company is doing business in quarrying and selling limestone to the India Cement factory. It has got its quarry near Sankari in Salem District and all the limestones quarried by the Respondent-Company is being supplied to the India Cement factory. Apart from the minimum wages payable to the workers in the quarries there are two Awards fixing wages and dearness allowance and other service conditions applicable to the employees working in the quarries and the cement factory. The first Wage Board Award constituted under Section 10 A of the Industrial Disputes Act covered not only cement factories, but also lime stone quarries owned by the cement producers or supplying the bulk of their output to cement factories. The Second Wage Board Award had stipulated the basic wages for different grades which are extracted in the claim statement. It is contended that the employees working in the Respondent-Company were not paid in accordance with the Second Wage Board Award dated 12-7-1983 and had been paid less than the minimum wages. Other quarries which are supplying lime-stone to India Cement factory and comparable to the Respondent-Company are paying wages to its employees as per the Second Wage Board Award. The Respondent-Company is earning huge profits and the fact that it was not a party to the Wage Board Award cannot be a ground for refusing to pay the wages as declared by the Award. The Respondent-Management is paying a House Rent Allowance of Rs 10 which is far below the grades fixed as per the Wage Board Award. Hence this reference for revision of wages and House Rent Allowance

4 In the counter statement filed by the Respondent-Company, it is submitted that the Respondent-Establishment is a registered small-scale industry. The Respondent-Company having started mining limestone only in December, 1973. The Respondent-Company had not denied the revision of wages to its workers and there was a settlement reached after the failure report of the Assistant Labour Commissioner regarding payment of wages. The settlement under Section 18(1) of the Industrial Disputes Act was entered into between the Management and the Salem District Magnesite Labour Union, which is the major Union with which the Management has been entering agreements. An agreement was entered into on 20-5-1982 giving retrospective effect from 1-4-1982 and all the workers irrespective of the Unions to which they belong, had received the revised wages without any objection or protest. Hence the demand for revision of wages is not justified. The Respondent had not been paying any House Rent Allowance to its employees at any point of time and there was no agreement to pay the House Rent Allowance. The Respondent-Company is only supplying a portion of the lime-stone produced to India Cements Limited. The workmen of the Respondent-Company had been paid wages not less than the minimum fixed according to the notification issued. The wages fixed by the Cement Wage Board Award will not apply to the Respondent-Company. Further, the award of the Wage Board will not be binding on the Respondent-Company as it has not been made a party to the Award. Hence the claim petition may be dismissed.

5 In the additional counter statement filed by the Respondent-Company. It is stated that the Respondent-Company had contracted with the India Cements Limited to supply lime-stone of high grade quality and of a specified standard. Only a portion of the entire production is supplied to the India Cements Limited. The profits of the Respondent-Company are on the decrease. It is stated that the similar units in the area are paying only the minimum wages and there is no ground to treat this Respondent-Company differently. All the workers irrespective of their affiliation to the different Unions are receiving wages as per the Settlement under Section 18(1) entered into with the majority Union. It is further stated that in the charter of demands, there is no claim for Dearness Allowance and it is put forward for the first time in the claim statement. The Respondent-Company

is not in a financial position to pay increased wages as demanded and it would result in closing down the Company. The terms of settlement arrived at between the Respondent and the majority Union are fair and just and an award may be passed accordingly.

6. Thiru M. Chinnasamy, the General Secretary of the Petitioner-Union No. 2 was examined as WW-1 and Exs. W-1 to W-4 were relied upon. The Personnel Officer of the Respondent-Management Thiru A. Kandasamy was examined as MW-1 and Exs. M-1 to M-12 were marked on behalf of the Management.

7. The point for consideration is as contained in the reference.

8. The Respondent-Company is a registered small scale industry as disclosed by Ex. M-3 and it is also a member of the Small Scale Owners Association and Ex. M-4 is the membership card. Originally, there was only one Union, namely, the Salem District Magnesite Labour Union and Exs. M-5 and M-6 are the earlier agreements entered into by the Respondent-Company with this Union. It was only in 1981 that the other Union, namely, Mines Minerals and Allied Industries National Workers, Union came into existence. Before the dispute was referred, the Salem District Magnesite Labour Union representing the majority of the workers had entered into a Settlement dated 20-5-1982 marked as Ex. M-1. All the workers belonging to the Respondent-Company irrespective of the Unions which they belong had received wages and other benefits subsequent to the settlement in accordance with the terms of the settlement. The agreement Ex. M-1 had been entered into with retrospective effect from 1-4-1982 after the conciliation failure report had been submitted. The wages paid to the workmen of the Respondent-Company are above than those fixed under the Minimum Wages Act and had been periodically revised even after the settlement and at no point of time the Management had paid anything below the minimum wages fixed. Exs. M-9 to M-12 are the certified balance sheets of the Respondent-Company. These balance sheets reveal that there was a loss of Rs. 25,000 in the year 1981 and marginal profits of Rs. 41,000, Rs. 52,000 and Rs. 36,000 respectively during the years 1981-82, 1982-83 and 1983-84. The Respondent Company had not entered into any agreement for House Rent Allowance as Section 2(h) of the Minimum Wages Act provides that wages include House Rent Allowance also.

9. The main contention put forward on behalf of the Petitioner-Union No. 2 represented by M/s. Row and Reddy, Advocates is that subsequent to the Wage Board Award marked as Ex. W-2, the workmen of the Respondent-Company are entitled to be paid in terms of the award and they have been paid much less. Hence revision of wages and House Rent Allowance is demanded on the basis of the award dated 12-7-1983 with retrospective effect. The contention of the Respondent that it was not a party to the award which is not binding on it has to be negated in view of the fact that the notification had been issued in the Official Gazette for the information of the employer and the workers who are not parties to the arbitration agreement but are concerned in the dispute under Section 10(3A) of the Industrial Disputes Act read with Section 8-A of the Industrial Disputes (Central) Rules. Therefore, the issue that remains to be considered is whether the award is applicable to the Respondent-Company. In this context, the learned counsel appearing for the Petitioner-Union No. 2, Mr. Prasad drew my attention to paragraph 50 of Ex. W-2 which states that "Our recommendations should apply to workers employed at the cement factories and at the lime-stone quarries owned by the cement producers or supplying the bulk of their output to cement factories." On this basis, it was contended that the Respondent-Establishment is bound by the Award.

10. In dealing with this question, it is necessary to advert to the evidence oral and documentary, on record pertaining to this aspect of the case. The evidence of WW-1 discloses that he was not working in the Respondent-Company and was residing 4 kms. away from the Respondent Mines. He would assert that the Respondent-Establishment is producing 150 tonnes of lime-stone per day and supplying the entire quantity to India Cements Limited. In cross-examination, he had flatly denied the suggestion that it is supplying lime-stone to many other industries. No other oral or documentary evidence had been adduced on behalf of the Union to

prove these facts apart from the assertions of WW-1. The testimony of WW-1 is artificial and cannot be accepted upon. On the other hand, MW-1 had testified that the Management is supplying lime-stone to 85 different Companies and Ex. M-8 is the list containing the names of these Companies as certified by the Auditor of the Company. This has not been controverted by any contra evidence or seriously challenged. In the light of the evidence on record, the Petitioners have not established that the Respondent-Establishment is supplying the whole or bulk of their output to the cement factory as asserted. In the absence of any cogent and concrete evidence to support such an assertion, the contention put forward that the award Ex. W-2 is binding on the Respondent-Company cannot be accepted.

11. Mr. Prasad had relied on the decision rendered by the Division Bench of our High Court in W.A. Nos. 275 to 278/1986. In the above decision, no evidence was passed by the owners of the quarries that they were supplying lime-stone to other industries apart from cement manufacturing units and in the circumstances, the Wage Board Award was held applicable to the Quarries in question. The facts in the instant case are different and distinct and the decision relied upon cannot be of assistance to the Union to uphold the contention that the Respondent-Management is bound by the Award Ex. W-2. Accordingly, the claim for revision of wages based on the Wage Board Award Ex. W-2 is rejected.

12. As already adverted to, one of the Unions had entered into a Settlement Ex. M-1 after the failure of Conciliation Report. The entire workmen employed by the Respondent-Management irrespective of which Union they belong have been receiving wages in accordance with the Settlement Ex. M-1 and the subsequent revisions made there after which are above the minimum wages fixed. It is no doubt true that this fact by itself cannot preclude the Petitioner-Union No. 2 from raising a demand for revision of wages as it is not a party to the settlement Ex. M-1. However, no evidence had been adduced to justify any revision of wages more than what is being paid. The Petitioners did not establish that comparable concern to the Respondent-Management in the region are paying higher wages than those paid to the employees of the Respondent-Management. The onus of establishing this fact lies squarely on the Petitioners, which they failed to discharge by adducing any evidence oral or documentary. The Respondent-Management is a small undertaking with limited financial resources. In the circumstances the demand for revision of wages and House Rent Allowance is held to be unjustified and an award passed accordingly. There will be no order as to costs.

Dated, this 18th day of December, 1987.

#### WITNESSES EXAMINED

For Workmen .

WW-1—Thiru M. Chinnasamy. (for Union No. 2).

For Management .

MW-1—Thiru A. Kandasamy.

#### DOCUMENTS MARKED

For Workmen .

Ex. W-1/14-7-81—Charter of demands sent by the Mines Mineral and Allied Industries National Workers' Union, Sankari West to the Management. (copy).

Ex. W-2—Award (printed book) dated 12-7-1983 for Cement Industry.

Ex. W-3/23-6-82—Copy of letter sent by the General Secretary protesting against the Settlement entered by the Management between the Salem Magnesite Labour Union, Suramangalam

Ex. W-4/23-6-82—Copy of letter sent to the Management protesting as illegal about the Settlement entered into between the other Union.

## For Management :

- Ex. M-1-20-5-82—Copy of memorandum of Settlement under Section 18(1) of the Industrial Disputes Act between the Management and Salem District Magnesite Labour Union, Suramangalam, Salem.
- Ex. M-2/14-7-81—Charter of demands by Union No. 2.
- Ex. M-3/30-10-81—Xerox copy of Registration Certificate issued to the Management as Small Scale Industrial Unit issued by the Department of Industries and Commerce.
- Ex. M-4/18-2-85—Xerox copy of letter issued by Salem District Mine Owners' Association, Salem to the Management.
- Ex. M-5/26-10-78—Xerox copy of Memorandum of Settlement under Section 18(1) of the Industrial Disputes Act between the Management and Magnesite Labour Union.
- Ex. M-6/13-12-80—Xerox copy of memorandum of settlement under Section 18(1) of the Industrial Disputes Act between the Management and Salem District Magnesite Labour Union.
- Ex. M-7/24-6-82—Letter from the Mines and Allied Industries National Workers' Union, Sankari West to the Management.
- Ex. M-8—Copy of list of parties who are contractors with the Management for supply of limestone as found in their books.
- Ex. M-9—Copy of statement of consolidated income and expenditure for the year ended 31-3-81 of the Management.
- Ex. M-10—Copy of statement of consolidated income and expenditure for the year ended 31-3-82 of the Management.
- Ex. M-11—Copy of statement of consolidated income and expenditure for the year ended 31-3-83 of the Management.
- Ex. M-12—Copy of statement of consolidated income and expenditure for the year ended 31-3-84 of the Management.

FYZEE MAHMOOD, Industrial Tribunal

{No. L-29025/8/82-D.III (B)}

V. K. SHARMA, Desk Officer

नई दिल्ली 7 जनवरी, 1988

का.आ. 212.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडियन आयल कार्पोरेशन लिमिटेड (मार्किटिंग डिवीजन) के सभी इकाइयों में कार्यरत नियमित कामगार को उक्त अधिनियम 'के' प्रवर्तन से दिनांक 1-10-87 से 30-9-88, जिसमें यह तारीख भी सम्मिलित है, की अवधि तक छूट दी जाती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाए जाएंगे ;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व सन्दर्भ अभिवायों के आधार पर हकदार हो जाते ;

- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिवाय पहले ही किए जा चुके हैं तो वे वापस नहीं किए जाएंगे ;
- (4) उक्त कारखाने का नियोजक, उस अवधि की वास्तविकता के दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इससे इसके पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की वास्तविकता देती थीं ;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—
  - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की वास्तविकता दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ;
  - (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं ; या
  - (iii) यह अभिनिश्चित करने के प्रयोजनार्थ, कि कर्मचारी नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं ; या
  - (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ;
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधि-भोगाधीन किसी कारखाने स्थान, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, वहीयां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष

प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें, जिसे वे आवश्यक समझते हैं ; या

- (ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना ।

[फा. स.एस-38014/46/87-एस.एस.-1]

New Delhi, the 7th January, 1988

S.O. 212.—In exercise of the powers conferred by section 88 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of all the Units of Indian Oil Corporation Limited (Marketing Division), from the operation of the said Act for a period with effect from October 1st, 1987 upto and inclusive of the 30th September, 1988.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;
- (3) The contributions for the exempted period, if already paid, shall not be refunded ;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in that behalf shall, for the purposes of—
  - (i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period ; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period ; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer is cash and kind being benefits in consideration of which exemption is being granted under this notification ; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, or office or other premises.

[F. No. S-38014/46/87-SS-I]

#### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नई दिल्ली, 8 जनवरी, 1988

का.आ. 213.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मॉसर्स दिल्ली परिवहन निगम के एक हजार से एक हजार छः सौ तक प्रतिमास वेतन पाने वाले नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से 27 जनवरी, 1985 से 31 दिसम्बर, 1985 तक की अवधि के लिए, जिसमें यह तारीख भी सम्मिलित है, तक की छूट प्रदान करती है ।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाए जाएंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व सन्दर्भ अधिदायों के आधार पर हकदार हो जाते
- (3) प्राप्त अवधि के लिए यदि कोई अधिदाय पहले ही किए जा चुके हैं, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक, उस अवधि की बावत जिसके दौरान उस कारखाने पर उक्त अधिनियम

प्रवर्तमान था (जिससे इसमें इसके पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देती थी;

- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—

(i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ;

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सक्षम होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधि-भोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेजों को ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अधि-कर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो

ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेजों की नकल तैयार करना या उससे उद्धरण लेना।

[फा.सं.एस.-38014/9/87-एस.एस.-1]

New Delhi, the 8th January, 1988

S.O. 213.—In exercise of the powers conferred by section 88 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Delhi Transport Corporation drawing wages between Rs. 1,000 to Rs. 1,600 per month from the operation of the said Act for a period with effect from the 27th January, 85 upto and inclusive of 31st December, 1985.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in the behalf shall, for the purposes of—
  - (i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowers to—
    - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
    - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate

employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, or office or other premises.

[F. No. S-38014/9/87-SS-I]

#### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

का.आ. 214.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोदा सीट कम्पलेक्स लिमिटेड, पोन्डा, गोवा के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से 1-10-87 से 30-9-88 तक की जिसमें यह तारीख भी सम्मिलित है, अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाए जाएंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रमुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व सन्दर्भित अभिदायों के आधार पर हकदार हो जाते;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हैं तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात "उक्त अवधि" कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देती थीं;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई

निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी।—

- (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ;
- (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (पद धारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करने कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन किसी कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहिषां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

[फा.सं.एम.-38014/18/87-एसएस-1]

ए.के. भट्टारai, प्रवर सचिव

S.O. 214.—In exercise of the powers conferred by section 88 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of The Goa Meat Complex Ltd, Ponda—Goa, from the operation of the said Act for a period with effect from 1st October 1987 upto and inclusive of the 30th September, 1988.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;
- (3) The contributions for the exempted period, if already paid, shall not be refunded ;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—
  - (i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period ; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period ; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification ; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
    - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or
    - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employee at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or

- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, or office or other premises.

#### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[F. No. S-38014/18/87-SS]

A. K. BHATTARAI, Under Secy.

का. आ. 215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विजया बैंक के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनबंघ में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-87 को प्राप्त हुआ था।

S.O. 215.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the Vijaya Bank and their workmen, which was received by the Central Government on the 28th December, 1987.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated, the 16th day of December, 1987

Sri B. N. Lalge, B.A. (Hons) LL.B., Presiding Officer.

Central Reference No. 70/87

Old Central Reference No. 35/86

First Party : The General Secretary, Vijaya Bank Employees Federation, 220, Cubbonpet Main Road, Bangalore-560002.

V/s.

Second Party : The Chairman and Managing Director, Vijaya Bank, Head Office, M. G. Road, Bangalore-560001.

#### APPEARANCES :

For the first party—Sri V. G. Gopalgowda, Advocate.

For the second party—Sri K. Jagadeesh Alva, Advocate.

#### AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, the Government of India Ministry of Labour, made the present reference on the following point of dispute to the State Government Industrial Tribunal, by order No. L-12011/1/86-D. IV(A) dated 11-12-1986.

2. By a General Order No. L-11025/A/87-D-IV(B) dated 13-2-1987, it has been transferred to this Tribunal and it is at Sl. No. 72.

## Point of Dispute

"Whether the management of Vijaya Bank is justified in not extending the fitment formula contained in their settlement dated 17-6-1982 to those sub-staff who have been promoted prior to 1979 and getting lesser pay than those who were promoted after 1979? If not, to what relief the workman concerned viz. Shri D. Ananda Gowda, M. Govindswamy, Voboji Rao etc. are entitled?"

"Whether the management of Vijaya Bank having agreed to extend the fitment formula contained in the memorandum of settlement dated 17-6-1982 to those sub-staff who were promoted to clerical cadre during period from 1979 to 1982, is justified in giving the benefit of higher basic pay with effect from 1-1-1983 and not paying arrears from the date of promotion 31-12-1982? If so, to what relief the sub-staff who were promoted to clerical cadre during the period from 1979 to 1982 are entitled?"

3. The first party union has then filed its claim statement and inter alia it is contended as follows:—

The members of the subordinate staff working in the second party are promoted on merit-cum-seniority basis. As per circular No. 102/82 dated 19-6-82 a sum of Rs. 75 was added to the last drawn basic pay and thereafter fitment was given to them in the clerical pay scale. However, a minimum increase of Rs. 35 was ensured. The second party agreed to extend the said formula to the employees who were promoted during 1-1-1979 and 19-6-1982, by their circular No. 83/85 dated 13-6-1985. However, the management agreed to pay the benefits only with effect from 1-1-83. The said action has created anomalies. For those who were promoted after 1-1-1979, more emoluments are being paid than those who were promoted prior to 31-12-1978. The first party demanded that the said benefits should be given even to those who were promoted prior to 31-12-1978, since they are paid less. The action of the management in not giving them the benefits of said two orders, and not paying them the arrears is un-reasonable, arbitrary, and discriminatory. The juniors are getting more than the seniors. Some of the aggrieved persons are as follows:—

- (i) Sri Voboji Rao, who has been promoted to clerical cadre with effect from 17-2-1978.
- (ii) Sri D. Ananda Gowda, promoted with effect from 15-1-1977.
- (iii) Sri M. Govindswamy, promoted with effect from 15-1-1977 etc.

The action of the second party violates articles 14 and 16 of the constitution. The management has not set right the anomalies, though demanded. Hence, the dispute. It is prayed that the fitment formula of settlement dated 17-6-1982 may be ordered to be extended to those who have been promoted prior to 1979 and to pay consequential benefits.

4. The second party has filed its statement of objections and inter alia contends as follows:—

The point of dispute has not been correctly framed by the Government. The first party shall have to prove its claim. The members of the subordinate staff are promoted to clerical cadre as per the guide-lines of circular No. 102 of 1982 dated 19-6-1982 and fitment was given accordingly. As per settlement dated 17-6-1982, the fitment formula has been evolved as under:—

"On promotion to clerical cadre, a sum of Rs. 75 (Rupees seventy five only) will be added to the basic pay which the sub-staff was drawing as on the date of promotion and thereafter the promotee will be fitted in the corresponding stage in the clerical cadre scale. Special allowance, CCA, HRA, will not be taken into account for the purpose of fitment. However, it shall be ensured that there shall be a minimum increase of Rs. 35 (Rupees thirty five only) over and above the total emoluments last drawn by the promotee."

The settlement came into force immediately and it was in force till 30-6-1985. Some representations were made stating that persons who were promoted between 1979 and 1982

were not getting the same salary, which the persons promoted after 17-6-1982 were getting. The fitment formula dated 17-6-1982 was therefore applied to those who were promoted between 1979 and 1982, and their basic pay was refixed and notionally brought upto 31-12-82. If the actual basic pay fell short of the refixed basic pay, the benefit of higher basic pay was given with effect from 1-1-1983. It is not true that the management has acted arbitrarily. The first party is estopped from contending that the workmen have not availed of the benefit. The management has taken into account all the factors and a minimum increase of Rs. 35 has been given. When anomalies were brought to its notice, the management discussed the matter with a recognised unions and the fitment formula was made applicable to all those who are promoted after 1979. It is not possible to extend the benefit of Rs. 75 to those, who were promoted prior to 31-12-1978. In few cases, it is likely that the employees who have been promoted prior to 31-12-1978 might be getting lesser benefits than their juniors. The reasons might be as follows:—

- (a) That the (alleged junior) employees might be drawing more basic pay as subordinate staff and consequently on fitment in clerical cadre, they have been drawing more pay.
- (b) Because of fitment formula adopted in pursuance of various bi-partite settlements signed from time to time.

Such cases have been amicable settled. The salary revision shall have to have a cut off date. If the formula is extended to all those who were promoted prior to 1-1-1979, there will be administrative problems. It is not true that juniors are getting more than the seniors, who were promoted prior to 31-12-1978. Their action does not violate any provision of the constitution. The same cannot be challenged before this Tribunal. The other allegations are not true. The reference may be rejected.

5. In view of the said pleadings, one additional issue has been framed as follows:—

Whether the fitment formula was brought out as a consequence of the settlement dated 17-6-1982 and the first party cannot challenge the same as contended in para 4 of the counter statement?

6. The parties agreed to adduce evidence by affidavits and file the documents.

7. The affidavits filed by the parties have been taken on record. Exs. M-1 to M-18 and W-1 to W-4 have been marked.

8. The parties have been heard.

9. My findings on the additional issue and points of dispute are as follows:—

(1) Additional Issue.—The fitment formula of settlement dated 17-6-1982 is no bar for the claim made by the first party.

Point of Dispute No. 1.—The management of the second party is not justified in not extending the fitment formula of the settlement dated 17-6-1982 to those members of the sub-staff who have been promoted prior to 1979. The three workmen, Sri R. Anandagowda, M. Govindswami and Voboji Rao are entitled to the relief shown below.

Point of Dispute No. 2.—The second party management is not justified in giving the benefit of higher basic pay only with effect from 1-1-1983. It was justified in not paying the arrears from their respective dates of promotion and the date of settlement 17-6-1983. The sub-staff who were promoted to the clerical cadre on any date prior to 17-6-82 are entitled to the arrears for the period between 17-6-1982 and 31-12-1982.

## REASONS

Additional Issue.—In para 4 of the counter statement it has been contended that the fitment formula was thrashed out as per the settlement dated 17-6-1982, to which both

the recognised unions are parties and having availed of the benefits under the settlement, they are estopped from contending to the contrary. Exs. M-1 and M-2 are the settlements entered into by the management with the two unions, namely Vijaya Bank workers organisation and Vijaya Bank Employees Association. Ex. M-1 and M-2 are almost the same. In Exs. M-1 or M-2 paragraphs A to F from pages 2 to 5 relate to the promotion from clerical cadre to officers cadre. Promotion from sub-staff to clerical cadre is in paragraphs G to M. Paragraph N shows about general conditions Clause N does not show that the workman shall not raise any demand regarding the emoluments of the staff promoted from sub-staff cadre to clerical cadre. It is admitted that there is a circular letter dated 31-12-1982 issued by the management. It shows that in pursuance to settlement as per Ex. M-1 or M-2, the subordinate staff who were eligible for promotion were interviewed and a list has been prepared and that they will be promoted with effect from 1-1-1983. Ex. M-4 is a letter dated 16-2-1984 by the management to the Regional Labour Commissioner, Bangalore. In para 5 it shows that it specific instances were brought to the notice of the management, the anomalies arising in fitment on promotion will be set right. A copy of Ex. M-5 is addressed to the General Secretary of the Union. In pursuance to the said letter the union circulated a letter to all its members as per Ex. M-6 dated 20-2-1984. Ex. M-7 is a letter dated 15-2-1984 by the Personal Manager to the Assistant Labour Commissioner, Bombay. It shows that the management agreed to give the fitment according to new formula to the sub-staff promoted between 1979 and 31-12-1982. The management further promised that if any employee is eligible for higher basic pay as per new fitment formula, his basic pay will be revised with effect from 1-1-1983. Ex. M-8 dated 15-11-1984 is a copy of the joint discussions. It indicates that the union was at liberty to raise the matter of fitment to the promoters a fresh. Ex. M-9 dated 16-8-84 is a letter from the Vice President of the union to the second party bank, requesting him to set right the anomalies. These documents themselves indicate that even after the settlements dated 17-6-1982, as per Ex. M-1 and M-2, the management agreed to consider the request of the unions and conceded their demand that the fitment formula shown in Exs. M-1 and M-2 will be extended to all the members of the sub-staff promoted to the clerical cadre between 1979 and 1982.

10. Shantaram Kamat, Manager (personnel) of the second party has filed affidavits dated 14th July, 1987, 11th August, 1987 and 23rd October, 1987. There is nothing in the first two affidavits to indicate that the workmen are estopped from raising the present dispute because of the settlements Exs. M-1 and M-2 dated 17th June, 1982. The affidavit of Shantaram dated 23rd October, 1987 in para 3 shows that after negotiations with the unions circular No. 83/85 dated 13th June, 1985 was issued. Ex. M-3 is the said circular. It only shows that subsequent to the settlement dated 17th June, 1982, representations were made from the clerical staff on the point that their salary is not on par with the salary of the clerical staff who were promoted subsequent to 17th June, 1982, and in order to set right the matter, it was ordered that those promoted between 1979 and 1982 will be given the same fitment. Ex. M-3 does not prevent the workmen from raising the present dispute. The management has thus not succeeded in proving the statements it has made in para 4 of the counter statement. Additional issue No. 1 is answered likewise.

11. Point of dispute No. 1.—The management is called upon to justify their action in not extending the fitment formula contained in the settlement dated 17th June, 1982. Ex. M-1 to those sub-staff, who have been promoted prior to 1979 and getting lesser pay than those who are promoted after 1979.

12. Balakrishna Shetty the General Secretary of the second party employees federation, has sworn to three affidavits dated 30th July, 1987, 26th August, 1987 and 13th October, 1987. On page 4 of the first affidavit he has given an instance as to how there is some anomaly. Therein it is stated that Voboji Rao, who has been promoted on 17th March, 1978 is getting his increment on 17th March of every year whereas one N. Louis who has been promoted on 15th February

1980 is getting his increment on the 15th of February every year. A copy of the letter dated 8th March, 1978 of promotion of Voboji Rao is produced at Ex. W-1 and that of Louis is produced at Ex. W-2. The pay slip of Voboji Rao for the month of June, 1987, has been produced at Ex. W-3. It shows his basic pay as Rs. 930. A copy of the pay slip of N. Louis is produced at Ex. W-4. Basic pay of N. Louis in the slip of June 1987 in Ex. W-4 is shown as Rs. 930. It is thus demonstrated that a person who has been promoted about two years earlier gets the same basic and he has also the disadvantage of getting his increment at a later date. In para 6 of his affidavit dated 30th July, 1987 the General Secretary of the Union has sworn that the members of the sub-staff who have been promoted earlier to 1st January, 1979 are paid less only because they happen to have been promoted prior to 1st January, 1979, whereas those who have been promoted subsequently are getting more emoluments. Along with his affidavit dated 13th October, 1987 he has produced copies of orders of promotion and the calculation sheets of the three employees, (1) Anandagowda (2) Govindaswamy and (3) Voboji Rao. On the other hand, the second affidavit dated 11th August, 1987 of the Manager (Personnel), Shantaram Kamat and the pay bills of Voboji Rao and Louis at Ex. M-10 and M-11. In his affidavit dated 11th August, 1987 the Manager swears that Voboji Rao has been promoted on 17th March, 1978 and Louis on 15th February, 1980, but both of them draw the same salary. However, he states that Louis is not drawing more salary than Voboji Rao. Even for the admitted fact that Voboji Rao is drawing the same salary, as Louis, there is no explanation as to why a person of the same cadre who has been promoted about two years earlier should get the same salary as that of a promotee who is promoted after two years. There is a contention that Mr. Louis is paid something more because he is doing some special duty. Without taking into account the other items, except basic pay, if the documents of emoluments of Voboji Rao and Louis produced at Ex. M-10 and M-11 are compared, it becomes difficult to accept the basis on which the basic pay of these persons have been fixed. If the basic pay of Voboji Rao in February 1987 as per Ex. M-10 is Rs. 846.77 paise that of Louis as per Ex. M-11 for February, 1987 it is at Rs. 875 if the basic of Voboji Rao is Rs. 930 for the months of March to June, 1987 in Ex. M-10, the basic of Louis is shown as the same sub of Rs. 930 for April to June of 1987, as per Ex. M-11. In the affidavits of Shantaram dated 14th July, 1987 and 11th August, 1987 there is no convincing explanation for the said anomaly. In his affidavit dated 23rd October, 1987 Shantaram has stated that the calculation sheets produced by the first party are based on assumptions and that the said three employees were given one increment in the promoted grade, after that promotion. He further states that the first party is misleading the court without setting forth the true facts. The documents produced along with the affidavit of Shantaram dated 23rd October, 1987 have been marked as Exs. M-12 to M-18. Ex. M-12 dated 17th March, 1981 shows that in furtherance to the letter of the management W-5, the management had re-fixed the basic pay of Anandagowda at Rs. 180 with effect from 15th January, 1977. Ex. M-13 shows that in furtherance to the letter of the management Ex. W-7 dated 5th January, 1977, the management had fixed the basic pay of Govindaswamy at Rs. 200 with effect from the date of his promotion, namely 15th January, 1977. Ex. M-14, shows that in pursuance to the letter of the management Ex. W-1 dated 8th March, 1978, the basic pay of Voboji Rao was fixed at Rs. 180 with effect from the date of his promotion 17th March, 1978. Ex. M-18 is same as W-1. Ex. M-15, M-16 and M-17 are the same as Exs. M-12, M-13, and M-14. The affidavit of Shantaram dated 23rd October, 1987 and Exs. M-12, M-13 and M-14 prove that one increment of Rs. 10 was added to the basic pay of Anandagowda, Govindaswamy and Voboji Rao as shown in Exs. W-5, W-7 and W-1 respectively. Accepting the case of the management that on the date of promotion of Anandagowda dated 15th January, 1977 he was getting basic pay of Rs. 180, Govindaswamy Rs. 200 on 15th January, 1977 and Voboji Rao Rs. 180 on 18th March, 1978, still then there is no explanation as to how these persons promoted three or two years before the promotion of Louis cannot get more salary than Louis. For a moment keeping aside the cases of Anandagowda, Govindaswamy who have been promoted prior to 1978 let us take up the case of Voboji Rao, who has been promoted with effect from 19th March, 1978 the management has no explanation as to why and how his basic pay should be the

same as that of Louis in the months of April to June of 1987. The management has entered into an agreement with the workmen in Ex. M-1 and M-2, as could be seen from clause M that it will ensure that there will be a minimum increase of Rs. 35 over and above the total emoluments last drawn by the promotees. The letter at Ex. M-4 dated 31st December, 1982 indicates that after the management entered into settlement on 17th June, 1982 the first batch of promotees from the sub-staff to clerical cadre came out only with effect from 1st January, 1983. It is thus an admitted fact as per Ex. M-4 the members of the sub-staff as many as 248 were promoted only after 1st January, 1983. There is no dispute on the point that these persons promoted with effect from 1st January, 1983 have been given the fitment shown in clause M of Ex. M-1 or M-2. Now, by virtue of the circular No. 83/85 dated 13th June, 1985 Ex. M-3, the second party has been gracious enough to concede the fitment formula of clause M to those employees who have been promoted between 1979 and 1982. If the fitment formula of clause M of Ex. M-1 is made applicable to any member of the sub-staff promoted to the clerical cadre between 1979 and end of 1982, his basic pay is bound to be more than the basic pay of any sub-staff promoted to clerical cadre after 1st January, 1983. It thus follows that all the members of the sub-staff, in hundreds, who have been promoted between 1st January, 1979 till today are getting the benefit of fitment formula shown in clause M of Ex. M-1 or M-2. As a corollary it follows that when the management conceded the benefit of the fitment formula to those sub-staff promoted to the clerical cadre between 1979 and 1982 as per Ex. M-3, they did not take into account the fact whether the basic salary of the sub-staff who were promoted as clerks earlier to 1st January, 1979 was going to be less than the basic pay of those promoted after 1st January, 1979. If only such an examination had been made and due weightage was given to such of the sub-staff promoted as clerks prior to 1st January, 1979 there would have been no dispute. The action of the management in ignoring the members of the sub-staff promoted as clerks prior to 1st January, 1979 while issuing Ex. M-3 smacks of discrimination and cannot be upheld.

13. The calculations made by the first party in regard to Anandagowda, Govindswamy and Voboji Rao in Ex. W-6, W-8 and W-9 proceed on the basis that as on 15th January, 1977, 17th March, 1978 and 17th March, 1978 respectively, the fitment formula of clause M of Ex. M-1 should be applied to them also. Neither of the party has placed before me the pay scale of the sub-staff which was in existence in the years 1977 or 1978. The revised pay-scale is also not forthcoming. What has been done in the case of Anandagowda is that on 15th January, 1977 Rs. 75 has been added to his basic of Rs. 131 of the sub-staff scale and since, there is no stage of Rs. 206 in the clerical scale shown in Ex. W-5, the fixation of basic pay is shown at Rs. 213. In the case of Voboji Rao Rs. 75 is added to the basic of Rs. 131 as per clause M of Ex. M-1 and the basic is calculated at Rs. 206 and since there is no stage Rs. 206 his basic is shown as Rs. 213 in Ex. W-9. In the case of Govindswamy Rs. 75 is added to basic pay of Rs. 151 and the basic in the clerical cadre is shown as Rs. 226 and since there is the stage of Rs. 226 it is shown as Rs. 226 in Ex. W-8. The calculations made in Exs. W-6, W-8 and W-9 are not correct, for the reason that on 15th January, 1977, 15th January, 1977 and 17th March, 1978 respectively, their basic pay was not Rs. 170, 190 and 170 respectively as indicated in Exs. W-6, W-8 and W-9, but it was Rs. 180, Rs. 200 and Rs. 180 respectively. In the basic pay itself proposed increase claimed by the first party in the case of Anandagowda, and Voboji Rao will be of Rs. 33 (213—180=33) whereas in the case of Govindswamy Rs. 26 (226—200=26). As per the fitment formula of clause M of Ex. M-1 the management has agreed that the employee shall get a minimum increase of Rs. 35 over and above the total emoluments last drawn by the promotees. The claim made by the workmen, looking from that angle is still modest, when examined only with reference to the basic pay and not total emoluments. The second party had the burden to justify the equal, if not lesser emoluments, which these promotees of prior to 1979 are getting as compared to the promotees subsequent to 1st January, 1979. The management has not produced the required material. I therefore, find that the contention that the basic pay of Anandagowda, Govindswamy and Voboji Rao had been fixed at Rs. 180,

200 and 180 on 15th January, 1977, 15th January, 1977 and 17th March, 1978 respectively is of no consequence and only for that reason it cannot be held that these three employees are not entitled to the benefit of the fitment formula of Ex. M-1, M-2 and M-3. The affidavit of Balakrishna Shetty and the documents at Exs. M-1 to M-18 and W-1 to W-9, do not justify the contention of the second party, whereas they do justify the claim of the first party workmen.

Point of Dispute No. 1.—It is held likewise. The three employees Anandagowda, Govindswamy, Voboji Rao are entitled to the fitment of Ex. M-1 or M-2, and M-3 with effect from their respective dates of promotion.

Point of Dispute No. 2.—Point No. 2 calls upon the management to justify its action in not giving the benefit of higher basic pay and not paying the arrears from the date of their promotion prior to 31st December, 1982. In the council statement in para 5 it has been contended that any salary revision should have a cut off date, indicating the date from which the revision of salary is made effective, and that such a revision cannot be made effective with retrospective effect, so as to cover all those employees who have been promoted since the date of inception of the Bank. Indeed, whenever there is a revision in the scales of pay, there should be a cut off date, from which the revised pay scales shall become applicable but an employer cannot be permitted to ignore the claims of senior people and forget to give weightage to them so that including the weightage and revised scales of seniors, no junior gets the same or more emoluments than his senior in the same cadre. The management has admittedly agreed to give the fitment as per clause M of Ex. M-1 or M-2 with effect from the date of Ex. M-1, or M-2, that is 17th June, 1982. However, the benefit of higher pay based on fitment as per clause M of Ex. M-1 or M-2 is now given by the management with effect from 1st January, 1983 because that was the first time that the members of sub-staff were promoted to clerical cadre after the settlements dated 17th June, 1982 came into existence. As regards, the claim of those employees of the sub-staff who are promoted to the clerical cadre long prior to 1st January, 1983, for fitment, there is already a finding that all of them are entitled to get the fitment but as regards the arrears it is difficult to hold that there was any agreement between both the unions on the one hand and the management on the other to that effect. There is the absence of a specific agreement that the management had agreed to pay the arrears accruing on account of such fitment prior to the date of settlement, 17th June, 1982. There should be a specific pleading setting forth the grounds for such claim and the first party has to establish the same by evidence. The only ground put forth in the pleading in that behalf is that because the said fitment is given to all the employees of the sub-staff promoted to clerical cadre between 1979 and 1982 they are entitled to the arrears. In my view merely because the management has given fitment, it cannot be presumed that it had agreed to give the arrears. Ex. M-3 makes it specific and clear that their basic pay will be re-fixed and notionally brought up to 31st December, 1982 and if the actual basic pay falls short of the revised basic pay, the benefit of higher basic will be given with effect from 1st January, 1983. This applicability clause of Ex. M-3 dated 13th June, 1985 does not stand to scrutiny to some extent. The management has fixed the date of 1st January, 1983 to give the higher basic, by making actual payment, only for the reason that after the settlements Exs. M-1 and M-2 the promotions to clerical cadre from the sub-staff cadre were effected only on 1st January, 1983. The management has absolutely no ground to deny the payment of arrears after re-fixing the basic pay by notionally bringing it up till the date of the settlements, namely 17th June, 1982. There is no dispute on the point that Ex. M-1 and M-2 have come into force with immediate effect, that is, 17th June, 1982. I, therefore, find that the applicability clause of Ex. M-3 should be made applicable to all those of the sub-staff who have been promoted long prior to 1st January, 1983 with effect from 17th June, 1982 and the management shall have to pay the arrears which they may get with effect from 17th June, 1982. On point of dispute No. 2 there is thus a qualified finding that the management shall pay the arrears with effect from 17th June, 1982 after making the fitment in accordance with clause M of Exs. M-1 and M-2 by changing the applicability clause of Ex. M-3 as if the dates 31st December, 1982, and 1st January, 1983 respectively in that

clause are substituted as 16th June, 1982 and 17th June, 1982 respectively.

14. In the result, and award is hereby passed to the effect that the management of the Vijaya Bank was not justified in not extending the fitment formula contained in the settlements dated 17th June, 1982 to those members of the sub-staff who have been promoted prior to 1979 and getting lesser pay than those who are promoted after 1979. The management is directed to give the said fitment of clause M of Ex. M-1 to M-2 to Sri D. Anandagowda, M. Govindswamy and Voboji Rao with effect from their respective dates of promotion to the clerical cadre.

15. It is further held that the management of Vijaya Bank was justified in not giving the arrears benefit of higher basic pay to those promoted prior to 1st January, 1983 till the dates of settlements Ex. M-1 and M-2, that is, 17th June, 1982, but it is not justified in not paying them the arrears of such benefit accruing to them with effect from 17th June, 1982.

16. In order to make the matter more clear it is directed that the management of Vijaya Bank shall give the fitment of clause M of Ex. M-1 and M-2 to all the promotees who have been promoted prior to 1st January, 1979, including to those who have been promoted between 1979 and 1982, but it shall not be liable to pay the arrears of emoluments till 17th June, 1982. It is further directed that the management of the Vijaya Bank shall re-fix the basic pay of all the members of the sub-staff promoted before 17th June, 1982 and being their basic pay notionally upto 16th June, 1982 and shall further pay all the arrears of such emoluments, on due re-fixation with effect from 17th June, 1982. The said fitment and payment shall also apply to the three employees B. Anandagowda, N. Govindswamy and Voboji Rao.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer  
[No. L-12011/1/86-D.IV(A)]

का. भा. 216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 216.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government.

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 113/1986

Reference No. L-12012/132/85-D.IV A dated 19-8-86

In the matter of dispute between :

Shri Bholeshwar Prasad Tewari, C/o U.P. Bank Employees Federation 26/104 Birhana Road, Kanpur.

AND

The Regional Manager, Punjab National Bank Regional Office, The Mall, Kanpur.

## AWARD

The Central Government, Ministry of Labour, vide its notification no. L-12012/132/85-D. IV(A) dated 19-8-86 has referred the following dispute for adjudication to this Tribunal.

Whether the action of the Management of Punjab National Bank in terminating the services of Sri Bholeshwar Prasad Tiwari, Pcon w.e.f. 3-2-72 is justified? If not to what relief the workman concerned is entitled?

The present case was fixed for arguments on 26-11-87, when the parties representatives filed a settlement and prayed that the case be decided in terms of the said settlement. The terms of the settlement are as under:—

1. That the bank without prejudice to its various contentions agrees to appoint Shri Bholeshwar Prasad Tiwari as confirmed hand in the subordinate cadre of the bank on basic pay of Rs. 430/- in the scale of Rs. 430-10-450-14-492-16-540-20-680-25-730-30-790.
2. That the workman will not be entitled to any benefit monetary or otherwise, in any shape or form in respect of his past temporary service or the period intervening between the date of his termination and the present re-appointment.
3. That Sri Bholeshwar Prasad Tiwari will be deemed to have been appointed as a confirmed hand in the service of the bank from the date he reports for duty to the Regional Manager, Kanpur after obtaining clean discharge certificate from his present employer and subject to medical fitness.
4. That this settlement has been arrived at having regard to the peculiar facts and circumstances of the case and this settlement shall not be cited as a precedent by any parties before any forum.

The above said settlement is duly signed and verified by the parties concerned in the presence of the witnesses. I, therefore, decide the case in terms of the said settlement dated 26th November, 1987, and give my award accordingly.

Let six copies of this award be sent to the Ministry for its publication.

ARJAN DEV, Presiding Officer  
[No. L-12012/132/85-D.IV(A)(Pt.)]

का. भा. 217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-87 को प्राप्त हुआ था।

S.O. 217.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 28th December, 1987.

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, KANPUR, UTTAR PRADESH

Industrial Dispute No. 109 of 1986

Reference No. L-12012/162/85-D.II(A) dated 31-7-86

In the matter of dispute between :

Shri Kailash Babu C/o Sri Girish Chandra Bharti,  
810, Shahabad, Bareilly, U.P.

AND

The Regional Manager, State Bank of India, Regional  
Office, Region V, 148, Civil Lines, Bareilly, U.P.

APPEARANCE :

Shri Mahesh Chandra Adv.—for the Management.

Shri Girish Chandra Bharti.—for the workman and  
Shri Ravindra Kumar Raizada.—for the workman.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/162/85-II(A) dated 31-7-86, has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Regional Office, State Bank of India, Region V, Bareilly in terminating the services of Sri Kailash Babu Part time Sweeper, State Bank of India, Pilibhit A.D. Branch, w.e.f. 8-7-84, is justified? If not, to what relief the workman is entitled?

2. The case of the workman in brief is that he belongs to Scheduled Caste community. On 1-10-75 he was appointed against a regular post of Sweeper on part time basis and posted at S.B.I. Branch Pilibhit. Besides doing his duties with utmost dedication and efficiency in the office, he on the asking of the Branch Manager also did work at the residence of the Branch Manager, who had assured him that he would consider his case for whole time job. When, even after a long time, he was not made a whole time worker, he approached the Branch Manager and reminded him of his assurance given to him, but this was not liked by him. He, therefore, stopped working at the residence of the Branch Manager, as a result of which the Branch Manager started bearing ill will against him. After several months, the Branch Manager called him and in a very pleasing mood obtained his signatures on some blank/painted/written papers on the understanding that he (branch manager) would be giving him order regarding his having become a whole time worker. When no letter in this regard was issued to him, he contacted the Branch Manager who paid no attention to it. After some time, his services were wrongfully terminated w.e.f. 6-7-1984. The workman alleges that in his notice dated 18-4-85 to the management he expressed his apprehension that documents on which his signatures had been obtained might have been used to justify his wrongful termination. The order of termination though described as termination simpliciter is actually an order of termination with stigma on him. As such the order of his termination is illegal and deserves to be quashed.

3. The management pleads that the workman was appointed as a temporary part-time Sweeper on 1/3rd salary on October 1, 1975 and posted at Bank's Agricultural Development Branch Pilibhit. As the workman worked in the bank continuously it was decided to take him in regular employment of the bank as part time Sweeper on 1/3rd of the salary, on his completing certain formalities, such as production of documents regarding his educational qualifications and age. A letter to this effect was also issued to the Branch Manager, State Bank of India, Agricultural Development Branch, Pilibhit by Regional Manager, Region IV, Kanpur, on 13th March, 1980. In connection with his appointment as a regular employee of the bank, the workman furnished a School Leaving Certificate no. 4357 dated October 10, 1979, purporting to have been issued by Gandhi

Primary School, Bisalpur, District Pilibhit. On verification the District Inspectors of School, Pilibhit, found it as forged. Another School Leaving certificate dated July 2, 1966, purporting to have been issued by Rashtriya Himalaya School, Pilibhit, filed by the workman at the time of his initial appointment was also found to be forged. When explanation regarding these forged certificates was called for, the workman confessed vide his letter dated 31-12-80 that it was a forged one and that he had not received any education. Since the aforesaid acts of the workman casted serious aspersions on his integrity and bonafides it was not considered desirable to retain him in Bank's service. Accordingly in terms of para 522(1) of Sastri Award the services of the workman were terminated w.e.f. 6-7-84, after complying with the provisions of section 25F of I.D. Act by way of abundant caution.

4. The management further pleads that the order of termination attaches no stigma on the workman. Any employment obtained on misrepresentations of fact is void ab-initio. Lastly, the workman voluntarily accepted his discharge from bank's service without any demur or protest. Any dispute now raised by the workman is not maintainable.

5. Since the above written statement was filed by the management before the filing of the claim statement by the workman, management filed supplementary written statement on 17-1-86. However, no new pleas were raised by the management in it.

6. Workman filed rejoinder in which he has alleged that he did not receive any schooling nor did he submit any educational certificate to the management. He had also denied that he ever made any confession to the management.

7. In support of its case, the management has filed affidavit of Sri Ram Niwas Sharma, an officer of the bank posted at Bank's Regional Manager's Office, Region V, Bareilly and also a number of documents. On the other hand, the workman has filed his affidavit in support of his case. Both the witnesses have been cross examined by the other party.

8. In this case there is no dispute about the fact that Sri Kailash Babu, the workman in question, was appointed as part time Sweeper on 1-10-75, and posted at Bank's Agricultural Development Branch, Pilibhit. Whereas according to the workman he was appointed on regular post of Sweeper which was of permanent nature, according to the management he was appointed as temporary part time Sweeper. In para 2 of his rejoinder, workman states that he was initially appointed as part time Sweeper. As regards the other contents in para 2 of the written statement of the management he pleads that the contents of para 2 of the written statement are not disputed. In para 2 of the written statement it is specifically stated that the workman was appointed in the bank as temporary part time Sweeper. Thus the facts stated in para 2 of the rejoinder by the workman go to show that on 1-10-75 his appointment was as temporary part-time Sweeper and not as permanent part-time Sweeper. This view further finds corroboration from the letter dated March 13, 1980 from the Regional Manager to the Branch Manager, State Bank of India, document no. 1 of the list of documents dated 17-11-86. With this list as many as 13 documents were filed and these documents have been proved by means of his affidavit by the management witness Sri Ram Niwas Sharma. The letter shows that the management decided to appoint Sri Kailash Babu as part time Sweeper on 6 months probation on usual terms and conditions subject to satisfactory medical report and antecedents. Had the workman been appointed on a regular post of Sweeper of permanent nature such a letter would not have been issued by Regional Manager to the Branch Manager Agricultural Development Branch, Pilibhit. Therefore, from the evidence and pleadings it is proved beyond doubt that the workman's initial appointment was as temporary part time sweeper.

9 The case set up by the management is that the workman had filed two school leaving certificates, both of which on enquiry were found as forged. The management's case

further is that in this regard the workman made a confession statement also. Document no. 7 of the list of documents dated 17-11-86 is said to be the letter dated 31-12-80 written by the workman to the Branch Manager containing the said confessional statement. The authorised representative of the workman has admitted the signatures of the workman on this letter. The subject matter of the letter is denied. The workman also in his cross examination denied that he had made such a confessional statement. In the letter it is written that 5th class certificate which he has filed was got manufactured by him at the instance of others. He is illiterate and he has not studied in any school. He, therefore, prayed that he should be excused. He also under took not to commit any such mistake in future.

10. The two school leaving certificates are said to be documents no. 2 and 5 of the list of documents dated 17-11-86. Document No. 2 is the School Leaving Certificate dated 10-10-79 purported to have been issued by Pandit Banwari Lal, Mukhya Adhyapak, Gandhi Primary School, Bisalpur, Pilibhit and document no. 5 is the School leaving Certificate dated 2-7-66 purported to have been issued by Pradhan Adhyapak Rashtriya Vidyalaya School, Pilibhit. It has not been specifically stated by the management which of these two was filed by the workman at the time of his initial appointment and which afterwards. I may mention here that document no. 5 which is said to be the photostat copy of the certificate does not bear the signatures of any Pradhan Adhyapak. It means either that the original School Leaving Certificate has not been filed by the management or that the management did not take notice of the fact that the School Leaving Certificate so filed by the workman did not bear the signatures of the Pradhan Adhyapak.

11. Document no. 2 which is the photostat copy of the School Leaving Certificate dated 10-10-79 bears the following endorsement under the signatures of Shiksha Adhikshak, Pilibhit :—

“Register Dwara Jancha Gaya Theek Hai”.

It means that this was a correct certificate. Document no. 3 is the photostat copy of the letter dt. 6-1-83 from Pradhan Adhyapak Basic Gandhi Primary School Bisalpur Pilibhit to the Branch Manager, State Bank of India, Agricultural Development Branch, Pilibhit. This letter seems to have been written in reply to the letter dated January 5, 1982 to the Branch Manager. The Pradhan Adhyapak writes that on examination of the register of Basic Gandhi Primary School it has been noticed that the name of the student 'Kailash Chand' is not written at serial no. 725 nor any man by the name of Pandit Banwari Lal is ever was Pradhan Adhyapak of the said school. With regard to it all that I have to say in view of the endorsement of Shiksha Adhikshak is that the enquiry by Branch Manager was from Basic Gandhi Primary School and not from Gandhi Primary School. Document no. 4 of the list is the photostat copy of the copy of letter dt. 3-9-80 from Shiksha Adhikshak Nagar Kshetra, Bisalpur District Pilibhit to some Karyalaya. It appears from this document that copy of it was also endorsed by District Inspector of School to the Agent, State Bank of India (Agro), Pilibhit. This copy, therefore, should have been with the management but this copy has not been filed by the management for reasons best known to it.

12. Document no. 6 is the photostat copy of the letter dated May 30, 1983 from Branch Manager, State Bank of India, Agricultural Development Branch, Pilibhit to the Inspector of Schools, Pilibhit bearing certain endorsement. By means of this letter the Branch Manager enquired from Inspector of School the genuineness and the correctness of the particulars of the certificate issued by Rashtriya Himalaya School Than, Pilibhit, in favour of Sri Kailash Chandra. The various endorsements appearing on it show that since the school was no more running it was not possible to make any comment.

13. To me every thing on the part of the management appears to be fishy. Date of birth recorded in the two School Leaving Certificates does not tally. In the certificate, document no. 5, the date of birth is recorded as 1-3-54 and in document no. 2 it is recorded as 15-9-55.

Further whereas the name of the student in document no. 2 is mentioned as Kailash Chandra son of Ratan Lal, in document no. 5 it is mentioned as Kailash Babu son of Ratan Lal. Thirdly, we have seen that the genuineness of the certificate document no. 2 was certified by Shiksha Adhikshak, Nagar Kshetra, Bisalpur, District Pilibhit. It was disputed only by Pradhan Adhyapak, Basic Gandhi Primary School Nagar Kshetra Bisalpur, which was a school different from Gandhi Primary School. Fourthly, we have seen that about the certificate document no. 5 which even does not bear the signatures of the Pradhan Adhyapak no definite report was received by the Branch Manager on account of the fact that no such school was running any more.

14. In this case during the cross examination of the management witness my learned predecessor ordered the management to bring originals of document nos. 2, 4 and 5, but for reasons best known to the management the originals were not brought on any of the subsequent dates. Lastly, it is not understood, why much trouble was taken if, as is the case of the management, the workman had made a confessional statement in his letter dated 31-12-80 written to the Branch Manager. If as back as on 31-12-80, the workman had admitted his guilt and had stated that he was illiterate he would not have been retained in service for 3-1/2 years, when according to the Regional Manager's letter dated 13-3-80, he was to be kept on probation initially for a period of 6 months.

15. In this case despite the fact that definite allegations supported by affidavit have been made by the workman against the then Branch Manager, the management has not produced the then Branch Manager in the witness box. Management has simply filed an affidavit of an officer who never remained posted at Pilibhit and who has no personal knowledge of facts of the case. It is therefore, doubtful that even any such confessional statement as is attributed to the workman was made by him. Every thing thus smacks of malafide on the part of the management.

16. As has been held in State of Bihar Vs. Shiva Bhikshuk Mishra AIR 1971 SC 1011. The form of order is not conclusive of its true nature and it might merely be a cloak and camouflage for an order founded on misconduct. In such a case the entirety of circumstances preceding or attendant on the impugned order will have to be examined in order to ascertain whether the misconduct is a mere motive or is the very foundation of the order.

17. Again in Anoop Ja'swal Vs. Government of India AIR 1984 S.C. 634, it was held :

“Where the form of the order is merely a camouflage for an order of dismissal for misconduct it is always open to the Court before which the order is challenged to go behind the form and ascertain the true character of the order. If the court holds that the order though in the form is merely a determination or employment is in reality a cloak for an order of punishment, the Court would not be debarred, merely because of the form of the order, in giving effect to the rights conferred by law upon the employee.”

18. These two rulings have been referred by their Lordships in the case of Smt. Rajinder Kaur V. Punjab State and another, AIR 1986 S.C. 1790. Smt. Rajinder Kaur was a lady constable against whom the allegation was that she had spent two nights with a constable, S. P. got conducted a confidential enquiry through the D.S.P. and on receipt of the enquiry report he came to the conclusion that she was not likely to become an efficient police officer. He therefore, passed an order discharging her from service in accordance with the conditions of service. Thus the order was really made on the basis of misconduct as found on enquiry behind her back by the Deputy Superintendent of Police. Their Lordships therefore, held that it does not lie in the mouth of the department to say that the order is an innocuous one. On the other hand, in the back ground of these facts and circumstances it is crystal clear that the impugned order of discharge from service

was made on the ground of her misconduct and it is penal in nature as it casts a stigma on the service career of the lady constable.

19. The facts of the present case are in no way different from the facts of the case reported in AIR 1986, SC 1790 (Supra). In this case also confidential enquiries were conducted against the workman as regards to certificates of educational institutions alleged to have been filed by him behind his back. As such the order of termination of workman's service is not an order simpliciter; it is based on alleged misconduct and thus it casts stigma on his service career. It cannot be upheld in law. Accordingly it is held that the action of the management of Regional Office, State Bank of India, Region V. Bareilly in terminating the services of Sri Kailash Babu, part time sweeper, State Bank of India, Agricultural Development Branch, Pilibhit, w.e.f. 8-7-84 is not justified.

20. The result is that the workman is, therefore, entitled to his reinstatement in service with full back wages and with continuity of service.

21 Award is given accordingly.

22. Let six copies of this Award be sent to the Govt. for its publication.

ARIJAN DEV, Presiding Officer  
[No. L-12012/162/85-D-II(A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 8 जनवरी, 1988

का.आ. 218. :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आइनेन्स फैक्ट्री, खमरिया, जबलपुर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 दिसम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 8th January, 1988

S.O. 218.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Ordnance Factory, Khamaria, Jabalpur and their workmen, which was received by the Central Government on the 23rd December, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-1 LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)/78 of 1986

PARTIES :

Employers in relation to the management of Ordnance Factory, Khamaria, Jabalpur and their workman Shri Hassan Shah, CMD Gr. II/OFK, R/o House of Sri Kapoor Chand Yadav, Village Piparia, Kundan Road, Jabalpur (M.P.)

APPEARANCES :

For workmen—Shri P. S. Nair, Advocate.

For management—Shri A. K. Chaube, Advocate.

INDUSTRY : Ordnance Factory. DISTRICT : Jabalpur (M.P.)

AWARD

Dated : December 14, 1987

By Notification No. L-14012/28/85-D. II(B) dated 3rd October, 1986 the Central Government in the Ministry of Labour has referred the following dispute, for adjudication :—

"Whether the action of the management of Ordnance Factory, Khamaria, Jabalpur (M.P.) in awarding

punishment of removal from service to Shri Hassan Shah CMD Gr. II/OFK by order dated 22-12-1981 is legal and justified? If not, to what relief is the concerned workman entitled to and from what date?"

2. Non-controversial facts of the case are that on 30-12-80 at about 1700 hours when Ammunition Truck bearing Regn. No. MPR3073 with Shri Hassan Shah, CMD Gr. II as its Driver, was passing out of Explosive Depot, Khamaria (EDK), DSC Guard Commander at the Gate checked the vehicle and he found 3 Kgs. Copper Strips concealed in the drivers cabine. There was no other occupant in the Vehicle. Shri Hassan Shah, CMD Gr. II was therefore placed under suspension with effect from 31-12-1980 and a charge-sheet was issued under Rule 14 of the C.C.S. (C.C.A.) Rules 1965 vide Memo: No. 1064/Vig./99 dated 8-1-1981 to the following effect :—

- (i) Theft of Government material
- (ii) Unauthorised possession of Government material
- (iii) Failure to maintain absolute integrity
- (iv) Conduct unbecoming of a Government servant.

In his reply dated 24-2-1981 the workman denied the charges and therefore an Inquiry Authority was appointed to enquire into the charges. The proceedings of the Court of enquiry were submitted by the Inquiry Officer wherein the Inquiry Officer came to the conclusion that the charges levelled against the appellant have not been proved. On scrutiny of the enquiry report, the Disciplinary Authority did not agree with the findings of the Enquiry Officer and he drew revised findings. On the basis of the evidence adduced before the Enquiry Officer the Disciplinary Authority found the workman guilty of all the charges levelled against him. Therefore vide order No. 1064/Vig./99 dated 22-12-1981 (Ex. M/1) the workman was removed from service.

3. The case of the workman further is that the report of the Enquiry Officer was a reasoned one in which all the material witnesses were assessed. But the General Manager, Ordnance Factory, Khamaria disagreeing with the findings of the Enquiry Officer arrived at a different finding without properly appreciating and marshalling the evidence on record. The findings of the General Manager that the charges are proved is totally illegal, contrary to the evidence on record and the order has been passed without proper application of mind. No show cause notice was given to the workman before passing the impugned order dated 22-12-1981 and the workman was not given an opportunity to explain against the revised findings arrived at by the General Manager. Workman was also not given any hearing before imposing upon the penalty of removal from service. The action of the management in removing the workman from services vide order dated 22-12-1981 is illegal, contrary to law and is able to be quashed as the disciplinary authority has committed grave error in disagreeing with the Enquiry Officer. The punishment imposed upon the applicant is highly excessive. Therefore the applicant is entitled to be reinstated with full back wages and all other consequential benefits.

4. The workman has further contended that the enquiry conducted by the Enquiry Officer was also against the principles of natural justice. The previously recorded statement of Sri A. T. Baby was read over during the enquiry. The workman was not supplied with the previously recorded statement of prosecution witnesses.

5. The case of the management is that the disciplinary rules have vested on the Disciplinary Authority with powers to disagree with the findings of the Enquiry Officer on the basis of the evidence adduced during the enquiry. Therefore the Disciplinary Authority has exercised this right and the reasons for disagreement have been clearly spelt out in the revised findings. The Disciplinary Authority had to disagree with the findings of the Enquiry Officer because the latter had not evaluated the evidence in a proper manner.

6. The management has further contended that the workman was apprehended while attempting to take out 3 Kgs. of copper strips (Government material) apparently with the intention of selling it outside for pecuniary benefits. The penalty prescribed by Ordnance Factory Board for pre-planned

thefts of such magnitude is removal/dismissal from service and the same has been imposed on the applicant.

7. Management has also raised a legal question that the Ordnance Factories are not industry within the meaning of I.D. Act. Hence this Tribunal is not competent to decide the dispute under the I.D. Act and the dispute in question is not maintainable and liable to be dismissed.

8. I framed the following issues which with my reasons and findings are as under :—

#### ISSUES

1. Whether the enquiry is proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?
3. Whether the punishment awarded is proper and legal ?
4. Whether the termination action taken against the workman is justified on facts of the case ?
5. Relief and costs.

Findings with reasons :

9. Issue No. 1 and 2.—I have gone through the enquiry proceedings from 28-5-1981 to 23-9-1981 recorded by Shri M. Chandran, Deputy Manager (Ex. M/2) and I find that the workman and his Assisting Officer fully participated in the enquiry and they were given full opportunity to defend his case. Therefore I hold that the enquiry was legal and proper and in accordance with the principles of natural justice.

10. Since I have held that the enquiry is legal and proper and in accordance with natural justice I need not consider Issue No. 2 whether the management is entitled to lead evidence before this Tribunal and the management has also not asked for such a permission.

11. Issue No. 3, 4 & 5.—The workman has challenged the findings of the Disciplinary Authority on the ground that the General Manager could not arrive at a different finding without properly appreciating and marshalling the evidence on record. The enquiry officer submitted his report after assessing all the material witnesses of the prosecution and defence. Therefore I proceed to examine the evidence adduced before the Enquiry Officer.

12. The imputations of misconduct against the workman are as under :—

"On 30th December, 1980 Shri Hassan Shah, CMD Gr. II/MTS was detailed on duty in MTS Section from 0700 Hrs. to 1700 Hrs. It is alleged that at about 1700 hrs. when OFK Explosive van (bearing Regn. No. MPQ-3973) driven by the said Shri Hassan Shah, CMD Gr. II/MTS, was passing out of EDK, three pieces of Copper strips (Govt. property) concealed beneath the left side of the Driver's seat was recovered by NK Kaka Singh, No. 6465931 DSC Pl. N., 253 during search of the Vehicle. The said material was seized from the Vehicle in the presence of Shri Hassan Shah and S/Shri P. S. Mahadeven, Foreman/Security, M. G. Awasthy, Dy. Manager (Orderly Officer on duty), NK Kaka Singh, No. 6465931, DSC Pl. No. 253 and A. T. Baby, Supr. 'A'/Security and on weighing the same inside O. F. Khamaria it was found to weigh 3 Kgs. and having a width of 1.3". The said material was immediately seized by him and Orderly Officer on duty. It is alleged that the said Shri Hassan Shah, was unauthorisedly taking out the said material from EDK for pecuniary benefit. The charges are based on the report of Security Officer vide Memo No. 2023/50, dt. 31st December, 1980."

Admittedly the material was found inside the vehicle driven by Shri Hassan Shah. The main question for consideration is who kept the material (Govt. property) inside the vehicle and who is responsible for the unauthorised material found in the vehicle.

13. I have perused the statements of witnesses adduced before the Enquiry Officer. Nk. Kaka Singh was incharge of the Gate where the vehicle was checked. All the witnesses have stated that the vehicle was standing near the gate. It is immaterial whether it was standing about 12 feet, or 10 to 15 ft. away from the gate. But from the statements it is proved that the vehicle was standing inside the checking point. S/Shri A. T. Baby, N. V. Thomas, Mahadeven, Nk. Kaka Singh, specifically stated that they have not seen Shri Hassan Shah keeping the material inside the vehicle. Shri Hassan Shah stated that when Shri Nk. Kaka Singh searched the vehicle he had gone to make entry at the Gate Office to which Shri Nk. Kaka Singh and other witnesses have also admitted. About the checking instructions of the vehicle witnesses said that there are no specific instructions in which manner it is to be checked. Shri N. L. Sharma stated that as per existing procedure the section representative submits the material pass to gate. Section representative is responsible for the material loaded in the vehicle and if anything found under the driver's seat, then the driver is definitely responsible particularly when there is no other person travelling in the vehicle. He has further stated that the Driver is not responsible for any unauthorised material found in the vehicle, if the vehicle is checked in his absence. Shri Hassan Shah, workman concerned, has specifically denied that he had kept any unauthorised material in the vehicle and have further stated that somebody might have kept the copper strips. So he is not responsible for the unauthorised material kept in his vehicle.

14. The Enquiry Officer submitted his report holding that the alleged charges against Shri Hassan Shah has not been proved due to the following reasons :—

1. None of the witnesses have had seen the accused employee placing the material under the seat of the Vehicle.
2. The Vehicle was not brought to the gate for passing out and was standing beyond the gate. As the Vehicle had not come to the gate for passing out, the driver cannot be held responsible for presence of unauthorised material in the vehicle.
3. The prosecution witnesses could not bring out any rules on the basis of which Shri Hassan Shah was found guilty of theft of Government material.
4. The vehicle was not searched or the material seized in the presence of the driver.
5. It is improbable that Shri Hassan Shah, the driver of the Vehicle would have concealed the material under the seat in the driver's cabin, because he should be aware that the driver's cabin is subjected to search.

15. The Disciplinary Authority did not agree to the above findings of the Enquiry Officer and gave his own findings which resulted in removal from service of Shri Hassan Shah. But from the material on record I find that the Disciplinary Authority was somehow prejudiced with the workman and he did not properly appreciate and marshalled the evidence on record. No witness has said that anybody has seen Shri Hassan Shah keeping the copper strips inside the vehicle for his pecuniary benefits. Therefore it cannot be said that the accused workman has stolen the property. Therefore the findings of the General Manager i.e. the Disciplinary Authority are totally illegal, contrary to the evidence on record and has been passed without application of mind. The impugned order dated 22nd December, 1981 passed against the workman is therefore quashed. To my mind the Enquiry Officer, Shri M. Chandran, has correctly assessed the evidence on record and his findings are in accordance with the law.

16. Coming to the question of relief to the workman, the admitted position is that some material was found inside the vehicle. Of course, it is not proved that the material was stolen and kept by Shri Hassan Shah, but since the material was found in his vehicle he is also responsible to some extent because he should not have left the vehicle alone. He himself has admitted that he had gone to take tea in the Canteen and left the vehicle alone. It would, therefore, meet the end of justice if he is reinstated with continuity of service with effect from 22nd December, 1981 but without back wages. The basic wages and other allowances would be payable to him only from 13th October, 1986, i.e. the date of reference

17. The management has also raised a plea that the Ordnance Factory is not an 'industry' within the meaning of Sec. 2(j) of the I.D. Act. According to Schedule I, item 8 read with S. 2(n)(vi) the Defence establishments are treated to be an 'industry' under the Industrial Disputes Act, 1947 (See, Lab 1C 126 Cal.). I, therefore, hold that the Ordnance Factory Khamaria is an 'industry' and this Tribunal has jurisdiction to adjudicate upon a dispute pertaining to Ordnance Factory.

18. For the reasons discussed above, I answer the reference as under :—

That the action of the management of Ordnance Factory, Khamaria, Jabalpur (M.P.) in awarding punishment of removal from service to Shri Hasan Shah, CMD Gr. II/OFK by order dated 22nd December, 1981 is illegal and unjustified. The workman is entitled to be reinstated with effect from 22nd December, 1981 with continuity of service. The basic wages and other allowances would be payable to him only from 13th October, 1986 i.e. the date of reference.

V. S. YADAV, Presiding Officer  
[No. L-14012/28/85-D.II(B)]  
HARI SINGH, Desk Officer

नई दिल्ली, 13 जनवरी, 1988

का.आ. 219 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मध्य रेलवे, सांसी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 दिसम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 13th January, 1988

S.O. 219.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi, and their workmen, which was received by the Central Government on the 23rd December, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR  
COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(2)/1986

#### PARTIES :

Employers in relation to the management of Divisional Railway Manager, Central Railway, Jhansi and their workman, Shri Bhagana Daulat S/o Daulat, H.S. II Fitter No. 1062, Gandhi Ward, Sindhi Colony, Behind Pratap School, Bina (M.P.).

#### APPEARANCES :

For workman—Shri P. S. Nair, Advocate.

For Management—Shri P. D. Patil, Advocate.

INDUSTRY : Central Railway DISTRICT : Jhansi (U.P.)

#### AWARD

Dated : November 14, 1987

1. In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government has referred the following dispute to this Tribunal, for adjudication, vide Notification No. L-41012(58)83-D. II(B), dated 3-1-86 :—

"Whether the action of the management of Divisional Railway Manager, Central Railway Jhansi, in retiring Sri Bhagana Daulat S/o Daulat from service, w.e.f. 1/10/81 is justified? If not, to what relief the concerned workman is entitled to?"

2. Non-controversial facts of the case are that the workman joined his duties as khalasi at Bina Loco Shed. However, taking his date of retirement as 1-10-1981 he was retired from that date by the Divisional Railway Manager, Jhansi.

3. The case of the workman is that his correct date of birth is 12-9-1929. He was born at Village Jaklone, District Lalitpur. There being no Municipality his birth was recorded at the Police Station. He was illiterate. The record maintained at Loco Foreman Bina goes to show that his date of birth was recorded as 1-10-1926 as apparent from the letter dated 27-8-1981 written by Loco Foreman to Divisional Railway Manager (P), Jhansi. According to this date, he should have been retired from 1-10-1981, which also confirmed from his service record.

4. Therefore he should have been retired from 12-9-1987 or in the alternative 1-10-1984.

5. The case of the management is that on the date of his appointment i.e. on 1-10-1947 he declared his age to be 24 years. Therefore he was rightly retired on attaining the age of 58 years in the year 1981. The question arises that whether he was rightly retired on 1-10-1981.

6. In support of his case the workman has filed the certified copy of his birth entry from the Police Station (Ex. W/1). To my mind this entry is worthless as it does not give detail of his birth and the place of his birth.

7. The other evidence adduced by the workman is the letter dated 6-8-1982 (Ex. W/2) written by the Secretary to the General Secretary of C.R.M.S. Union, Bombay. This letter goes to show that the alteration was done in his date of birth by Shri S. D. Gupta, Asst. Personnel Officer, between 26-8-1968 to 3-1-1970 and it was at that time his service record was attested. (Ex. M/3) is the certified copy of his Service Register wherein his age at the time of entry in the service is shown to be 24 years and on that basis his date of birth is recorded as 1-10-1923. If so, this entry which said to have been manipulated by Shri S. D. Gupta subsequently no wonder other entries also to the same effect. Ex. M/1 and Ex. M/4 which are admitted documents are his representations in this regard.

8. In the light of above entries I will examine the other evidence relied on by the workman.

9. Ex. M/1 is the record note of discussion between the management and the union. His case was discussed at item No. 20F. This goes to show that being illiterate at the time of entering in service doctor had certified his age to be 21 years. Therefore his superannuation age was 1-10-1984 and not 1-10-1981 on which date he was retired. His date of birth was subsequently manipulated is also apparent in Staff Index Book, certified copy of which is Ex. M/2. Even this entry goes to show that his date of birth is 1-10-1926. From the above, it is crystal clear that the earliest record which is available in the department goes to show his correct retirement age is 1-10-1984. The subsequent record which is available in the department are admittedly manipulated. This is also admitted by Office Sdmt. of D.R.M. Office, Jhansi Shri P. C. Sharma in para No. 4 of his affidavit in as much as that he says that there was some mistake made in preparation of Index Register which was subsequently corrected. In his affidavit he has further admitted in his cross-examination that Staff Index Register is maintained in the department on the basis of which service record is prepared. It has also been admitted in his cross-examination that he has no personal knowledge about the correct birth date of the workman. He has given his affidavit on the basis of the office record.

10. There is another admitted letter (Ex. W/3) dated 27-8-1981 wherein the Loco Foreman informed the D.R.M., Jhansi that according to the Index Register workman's date of birth is 1-10-1926. Therefore he should have been retired from service on 1-10-1984 and not from 1-10-1981. The

burden was on the management to prove the justification of their action and they have failed to do so and suppressed the best evidence available with them.

11. In this regard, it is pertinent to note that the workman vide his application dated 30-7-1986 had applied for production of the aforesaid original record and the management failed to produce the same on the plea that they are not available in the D.R.M. office. Some of them may be with the Head Office. This raises an adverse inference against the management. I, therefore, see no reason to disbelieve the statement on oath of the workman which is supported by earliest record available in the office of Loco Foreman, Bina, the place of his first appointment. The later record was admittedly manipulated, therefore no reliance can be placed on the same.

12. Thus from evidence on record it is proved beyond doubt that his correct date of birth was 1-10-26. Therefore his age of superannuation was 1-10-1984 and not 1-10-1981. I therefore answered the reference as under :—

That the action of the management of Divisional Railway Manager, Central Railway, Jhansi in retiring Shri Bhagana Daulat from service w.e.f. 1-10-1981 is not justified. The workman is therefore entitled to his pay and other allowances and with all other ancillary and pensionary benefits as if he had been retired w.e.f. 1-10-1984. The management will bear their own costs and pay the costs of Rs. 1000 to the workman, since they not only dragged him to this Tribunal but also to the High Court.

V. S. YADAV, Presiding Officer

[No. L-41012/58/83-D. II(B)]

HARI SINGH, Desk Officer

नई दिल्ली, 11 जनवरी, 1988

का.आ. 220 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैनीदीह कोलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 दिसम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 11th January, 1988

S.O. 220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Benedih Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th December, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 57 of 1984

PARTIES :

Employers in relation to the management of Benedih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri R. A. Singh, General Secretary, Coal field Labour Union.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, dated the 18th December, 1987

AWARD

The present reference arises out of Order No. L-20012 (205)/84-D.III(A), dated the 28th August, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

“Whether the action of the management of Benedih Colliery of M/s. B.C.C. Ltd., in putting Shri Bipin Manjhi, permanent Miner/Loader as Badli Miner/Loader is justified ? If not, to what relief is this workman entitled ?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-20012/205/84-D.III(A)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 57/84

Employers in relation to the Management of Benedih Colliery

AND

Their workmen.

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully herewith :—

(1) That the above dispute has been amicably settled between the parties on the following terms :—

(a) That the concerned workman Shri Bipin Manjhi has already been allowed to resume his duty regularly as Miner with effect from 12-3-86, and is still continuing in the employment of the colliery.

(b) That the period of long unauthorised absence from 29-5-83 till the date of his resumption of duty with effect from 12-3-86, will be treated as leave without wages for the purpose maintenance of continuity of service.

(c) That the concerned workman Shri Bipin Manjhi did not/shall not claim any wages or benefits for the period of his idleness from 29-5-83 till the date of his resumption of his duty on 12-3-86.

(2) That in view of the above settlement there remains no dispute to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

#### FOR THE WORKMEN :

1. (Dipin Manjhi)  
Miner  
Benidih Colliery
2. (R. A. Singh)  
General Secretary  
Coalfield Labour Union.

Witnesses :

#### FOR THE EMPLOYERS .

- (G. Rai)  
General Manager  
Block-II Area  
(M. B. Jha)  
Dy. Personnel Manager  
Block-II Area

का. अ. 221 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुदीह कारखाने, नैर्म भारत कोकिंग कोल लिमिटेड के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को ..... प्राप्त हुआ था।

30. 221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Mudidih Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th December, 1987.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/S 10(1)(d) of the

Industrial Disputes Act, 1947

Reference No. 18 of 1983

#### PARTIES :

Employers in relation to the management of Mudidih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

#### PRESENT :

Shri S. K. Mitra, Presiding Officer

#### APPEARANCES :

For the Employers—Shri N. K. Sharma, Personnel Manager.

For the Workmen—Shri S. N. Goswami, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, dated, the 18th December, 1987

The present reference arises out of Order No. I-20012/339/82/D-III(A) dated the 23rd/31st March, 1983 passed by

the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

“Whether the action of the management of M/s. Bharat Coking Coal Ltd. in no promoting Sri P. G. Ganguli from clerical Grade-II to clerical Grade-I from the date his juniors, Sri Sukumar Kolay and C. K. Thakar, were promoted, is justified ? If not, to what relief is the workman entitled ?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer  
[No. L-20012/339/82-D.III(A)]

#### BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD

Ref. No. 18 of 1983

Employers in relation to the management of Mudidih Colliery under Sijua Area of M/s. BCCL.

AND

Their workmen (Represented by Colliery Shramik Sangh PO Sijua (Dhanbad)).

The humble joint petition of compromise on behalf of the parties

The employers and the workmen most respectfully herewith :—

1. That the Central Govt. by a Notification No. L-20012/339/82/D.III-A, dt. 31-3-83 has referred the industrial dispute as per schedule noted below for an adjudication under Sec. 10(1)(d) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, to this Hon'ble Tribunal. The schedule of the reference is reproduced below :—

#### SCHEDULE

“Whether the action of the management of M/s. BCCL is not promoting Sri P. G. Ganguli from clerical Gr. II to clerical Gr. I from the date of his juniors, Sri Sukumar Kolay and Sri G. K. Thakar, were promoted, is justified ? If not, to what relief is the workman entitled ?”

2. That the parties discussed the matter between themselves on different dates and have amicably settled the dispute on the following terms and conditions :—

#### Terms of settlement

- (i) That the workman concerned Sri P.G. Ganguli has since been promoted by office order No. GM/SA/PD/3A/4876/83, dated 29-9-83 with retrospective effect from 1-4-83 to clerical Grade-I.
- (ii) That Sri P. G. Ganguli shall be given only notional seniority with effect from Nov. 81 the date his juniors Sri Sukumar Kolay and Sri C. K. Thakar have been promoted/categorised in clerical Gr. I.
- (iii) That the workman concerned shall, however, be given incremental benefit but no back wages will be paid.
3. That terms and conditions of the settlement are fair and proper.
4. That this settlement resolves all the disputes in the instant reference between the parties and the workman concerned shall not be eligible/entitled to claim any other benefit whatsoever.

5. That the parties further request the Hon'ble Tribunal to pass an award in terms of the settlement.

It is therefore, prayed that your honour may be graciously pleased to pass an award in terms of the settlement, and for this act of kindness the parties shall ever pray.

Representing  
workmen

Representing  
employer

Sd/-  
(J. K. DUA)

1. General Manager  
Sijua Area

General Secretary  
Colliery Shramik Sangh

Sd/-  
(R. K. CHOWDHARY)

2 Dy. C. P. M.  
Sijua Area

(Workman concerned)

Witnesses

1. Shri G. N. Srivastava
2. Prem Bahadur

Dated : 16-12-87.

N. K. Sharma  
Personnel Manager

(S. N. GOSWAMI)

Part of the Award.

Sd/-  
(illegible)  
18-12-87.

का.आ. 222 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुदखुरकी कोलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 दिसम्बर, 1987 को प्राप्त हुआ था।

S.O. 222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Nudkhurkee Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th December, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 58 of 1984

PARTIES :

Employers in relation to the management of Nudkhurkee Colliery of M/s. B. C. Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri R. A. Singh, General Secretary, Coal Field Labour Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 18th December, 1987

AWARD

The present reference arises out of Order No. L-20012(206)/84-D.II(A) dated, the 28th August, 1984 passed by the

Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of Nudkhurkee colliery in putting Shri Gaju Bauri, a permanent Quarry Pick Miner as Badli Quarry Pick Miner is justified ? If not, to what relief the workman is entitled?"

2. The dispute has been settled out of court. A memorandum of settlement has been filed in court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-20012/206/84-D. III(A)]

P. V. SREEDHARAN, Desk Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

AT DHANBAD

Reference No. 58/84

Employers in relation to the management of Nudkhurkee Colliery.

AND

Their Workmen

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

(1) That the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

(a) That the concerned workman Shri Gajo Bauri was allowed to work as Quarry Pick Miner on regular basis with effect from 4-10-86 maintaining his continuity of service on the basis of mutual discussions and settlement.

(b) That the concerned workman's long absence was condoned and the period from 28-7-83 till his resumption of his duties was considered as leave without wages and the concerned workman did not claim/ will not claim any wages or benefits for the period of his idleness.

(c) That in view of the settlement and acceptance of the same by the concerned workman here remains no dispute to be adjudicated.

(2) That the dispute stands finally resolved.

Under the facts and circumstances stated above the Hon'able Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of settlement.

FOR THE WORKMEN :

FOR THE EMPLOYERS  
Sd/-

(1) (GAJO BAURI)  
Quarry Pick Miner  
Nudkhurkee Colliery.

1. (G. RAI)  
General Manager  
Block-II Area  
Sd/-

Sd/-

(2) (R. A. Singh)  
General Secretary  
Coal field Labour Union.

2. M. B. JHA)  
Dy. Personnel Manager  
Block-II Area

WITNESSES :

1. Sd/- Illegible

1. Sd/- Illegible  
17-12-87.

2.

Part of the Award.

